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LOK SABHA DEBATES

(Seventh Session)



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**LOK SABHA SECRETARIAT
NEW DELHI**

62 n.P. (ENLAND)

THREE SHILLINGS (FOREIGN)

CONTENTS

COLUMNS

Oral Answers to Questions—

*Starred Questions Nos. 1326 to 1328, 1330 to 1334, 1336, 1337, 1339 to 1341, 1345, 1348 and 1347	6845—80
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Written Answers to Questions—

Starred Questions Nos. 1325, 1329, 1335, 1338, 1342 to 1344, 1346, and 1349 to 1363	6880—93
Unstarred Questions Nos. 2064 to 2135	6893—6931
Papers laid on the Table	6932
Message from Rajya Sabha	6932—33
Committee on Private Members' Bills and Resolutions—	
Thirty-eighth Report	6933
Public Accounts Committee—	
Thirteenth Report	6933
Estimates Committee—	
Forty-second Report	6933
Demands for Grants—	
Ministry of Law	6934—7077
Shri Khadiolkar	6934—44
Shri H. N. Mukerjee	6944—56
Shri Nath Pai	6956—66
Shri C. R. Pattabhi Raman	6966—7
Shri Raghubir Sahai	6979—6
Pandit Thakurdas Bhargava	6985—701
Shri Braj Raj Singh	7002—1
Shri Ajit Singh Sarhadi	7014—2
Pandit M. B. Bhargava	7023—2
Shri P. R. Patel	7028—2
Shri Jaganatha Rao	7034—3
Shri Narasimhan	7038—4
Shri Supakar	7042—4
Shri Khushwaqt Rai	7046—5
Shri Subiman Ghose	7054—60
Shri A. K. Sen	7060—75
Half-an-hour Discussion re : Prices of Paddy in Madhya Pradesh	7078—26
Shri Supakar	7078—8
Sardar A. S. Saigal	7081—8
Shri Panigrahi	7082—8
Shri Radhelal Vyas	7083—8
Shri R. S. Kiledar	7086—8
Shri A. M. Thomas	7088—9
Daily Digest	7097—7102

*The sign + marked above a name indicates that the question was actually asked on the floor of the House by that Member.

LOK SABHA

*Wednesday, March 18, 1959/Phalguna
27, 1880 (Saka).*

*The Lok Sabha met at Eleven of the
Clock*

[MR. SPEAKER in the Chair]

ORAL ANSWERS TO QUESTIONS

Magnesium Carbonate

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- *1326. { Shri Subodh Hansda:
 { Shri S. C. Samanta:
 { Shri R. C. Majhi:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that the Central Salt Research Institute, Bhavnagar has worked out a new process for the production of light basic magnesium carbonate;

(b) if so, what are its uses; and

(c) whether its cost of production has been worked out and steps taken for its commercial development?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) Yes, Sir.

(b) It can be used in the rubber industry and in manufacture of cigarette and other high quality paper.

(c) The cost has been worked out. The National Research Development Corporation of India is taking necessary steps for its commercial development.

Shri Subodh Hansda: May I know whether all the raw materials that are required for the manufacture of

this light basic magnesium carbonate is available in our country sufficiently; if so, what are the raw materials?

Shri Humayun Kabir: The raw material will be indigenous, and that is why we are encouraging the development of this process.

Shri Subodh Hansda: The Minister just now stated that steps have been taken to manufacture it on a commercial basis. May I know whether any party has applied for licence to manufacture it on a commercial basis; if so, whether any royalty has been charged from that party?

Shri Humayun Kabir: So far, five parties have shown interest in this matter, and this is being handled by the National Research Development Corporation.

Shri S. C. Samanta: Is it not a fact that at the invitation of the Government of France, a delegation consisting of the Senior Industrial Adviser, Chemicals, and the Salt Commissioner, had been to France to look into the structure of salt-based chemicals in that country? If so, have they given any advice as regards these chemicals?

Shri Humayun Kabir: I should ask for notice because this is a general question.

Shri R. C. Majhi: May I know whether we import magnesium carbonate at present; if so, to what extent?

Shri Humayun Kabir: About 1,193 tons were imported in the year 1957 at a cost of Rs. 11.99 lakhs, and for the year 1958, from January to November, about 851.5 tons were imported.

Shri Subodh Hansda: The Minister stated that the cost of production has been worked out. May I know what the cost of production per ton is, and how far it compares with the imported magnesium carbonate?

Shri Humayun Kabir: The cost of production under this process is estimated to be Rs 936 per ton. The cost of the imported material, on the basis of the figures for 1957, was a little more than a thousand rupees, and for this year it is about Rs. 975

Lok Sahayak Sena

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1227. { **Shri S. C. Samanta:**
 Shri Subodh Hansda.

Will the Minister of Defence be pleased to state

(a) how many States have so far drawn up schemes for the utilisation of the services of persons trained in the Lok Sahayak Sena,

(b) whether the target of training five lakhs men in Lok Sahayak Sena by the 31st March 1960 will be fulfilled,

(c) whether any contact is kept with the trained personnel especially with those who were awarded Certificates of Merits, and

(d) what percentage of trained persons have joined the regular army?

The Deputy Minister of Defence (Shri Raghuramaiah): (a) Five States namely, Bihar, Mysore, Orissa, Rajasthan and Uttar Pradesh have drawn up schemes for the utilization of the services of the persons trained in the Lok Sahayak Sena

(b) It is not possible to give an assurance at this stage. As against 4 lakh persons required to be trained by 31st March, 1959 according to the target 3,52,139 persons, have been trained upto 31st January 1959 and every effort is being made to achieve the target for 1958-59.

(c) No, but a list of all trained personnel with their addresses is forwarded to the District authorities to enable them to contact these persons when necessary.

(d) A little less than 1 per cent of those trained have joined the Army.

Shri S. C. Samanta: May I know whether any State Government has given work in multi-purpose projects and other projects of national importance to these trained persons?

Shri Raghuramaiah: We have no information so far as the States are concerned

Shri S. C. Samanta: May I know whether any such request has been made to the State Governments?

Shri Raghuramaiah: Not that I am aware of at the moment

Shri Subodh Hansda: The Minister stated that certain States have drawn up schemes for the utilisation of the services of this Lok Sahayak Sena. May I know what kind of schemes have been drawn up, and how the State Governments want to utilise the services of the Lok Sahayak Sena?

Shri Raghuramaiah: I did not follow the question

Mr. Speaker: What are the schemes adopted by the State Governments to utilise the services of the Lok Sahayak Sena?

The Minister of Defence (Shri Krishna Menon): These are really matters for the State Government. Our function is only to train these people

Mr. Speaker: The hon Member only wants to know if the Minister has got the information

Shri Krishna Menon: We have not been asked

Shri U. C. Patnaik: May I know if, during the 30 days training, there is any arrangement to co-ordinate other organisations like the Community

Projects and others, so that the training imparted to the trainees can be utilised by the State Governments later on?

Shri Raghuramalaiah: We have no such specific scheme, but, of course, people are being trained and they can be utilised for such purposes as they may be found useful.

Mr. Speaker: The hon. Minister has already said he does not know to what purpose the State Governments are using them. They can use them for any purpose.

Shri U. C. Patnaik: I wanted to put....

Mr. Speaker: There is the material there, discipline; they can use it for any purpose.

श्री पद्म देव हम लोक सहायक सेना में जिनको एक बार ट्रेनिंग हो जाती है, उसके पश्चात् क्या उनके लिये कोई रिफ्रेशर कोर्स बैरिस्ट की योजना भी रखी है ताकि वे इमेडा एक्टिव रहें ?

Shri Raghuramalaiah: There is a proposal to have a refresher course, but that has not been found acceptable at the moment.

Shri Warior: May I know whether periodical training is also given to them, whether there is any scheme for periodical training of these people?

Mr. Speaker: That is the refresher course.

Shri Raghuramalaiah: That is the question I answered.

Shri Goray: We were told that only five States so far have taken advantage of this scheme. Have the Government tried to find out why the other States are not responding?

Shri Raghuramalaiah: At the moment we have received information only from these States. It is up to the other States to move in the matter.

Shri Goray: Have you tried to find out?

Mr. Speaker: But I believe the hon. Minister has just said that it is only one per cent or two per cent. . . .

Shri Raghuramalaiah: One per cent.

Mr. Speaker: . . . that is absorbed in the Army. But it is the Centre that spends all the money, and it is only natural that hon. Members should want to know whether this is used, and if so, for what. The whole country is one. Otherwise, so much money need not be spent, if it is only for the Army.

Shri Krishna Menon: That is the position that is to be reviewed. The present experience shows that this is not army material. It has no military value at the moment. The scheme apparently was inaugurated as part of the general development of the country, not particularly for military purposes. With one month's training, and our inability to call them in because they are people working in the villages it has no military value as such, but there are establishments in the Defence Ministry which have no strict military value.

Mr. Speaker: Hon. Members may take it up during the Defence Budget. After all, human material and money come from the same source. The hon. Minister is not aware of the purpose for which they are being trained. They are no good for the Army, no good for the village; in between what is it they are good for?

We have had enough. I will allow hon. Members ample opportunity in the debate.

Shri Goray: I wanted to know from the Minister why the other States are not responding, whether he has made any enquiries. To that there is no reply.

Shri Raghuramalaiah: We are pursuing this enquiry.

Mr. Speaker: Why are they not responding? It seems to be such a beautiful scheme. Why are they not anxious to take advantage of it?

Shri Bagharamalak: It is for them to respond. We shall pursue the matter.

States Tribes Advisory Councils

*1228. **Shri R. C. Majhi:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that in some States Tribes Advisory Councils have not met even once in the year 1957 and 1958; and

(b) if so, whether any action has been taken by the Centre in the matter?

The Deputy Minister of Home Affairs (**Shrimati Alva**): (a) No. A statement showing the number of meetings of the States Tribes Advisory Councils/Boards held during 1957 and 1958 is laid on the Table of the House. [See Appendix IV, annexure No. 64].

(b) Does not arise.

Shri R. C. Majhi: May I know who summons the meeting of the Tribes Advisory Councils, and what the causes are for not summoning the meetings? Is it because there were no subjects to be discussed?

Shrimati Alva: It is not that the advisory councils/boards meet regularly. It was in 1957 that in some of the States, these councils could not meet because of the States' reorganisation programme that was going on. But in 1958, almost all the States have had meetings, as is shown in the statement laid on the Table of the House.

Shri R. C. Majhi: According to the Tribes Advisory Council Rules, how many meetings at least should be held in a year?

Shrimati Alva: There is no rigid regulation about how many meetings should be held. But the Commissioner for Scheduled Castes and Scheduled Tribes has suggested that the meetings should be held more frequently.

Shri Jaipal Singh: Just now, the hon. Minister stated that the States' reorganisation work somehow or other prevented the States from convening the Tribes Advisory Councils. I do not see what the connection between the two is, between the States' reorganisation programme and the summoning of the States Tribes Advisory Councils. In my State, in 1957, the council had not met once. Has the State given any reason as to why the council was not called in 1957? How is it connected with reorganisation of States?

Shrimati Alva: It was connected, because the different boundaries etc. were being discussed, and that was the reason for the council not meeting. But in 1958, every State has had three, two or one meeting as indicated in the statement.

Shri Jaipal Singh: May I seek a clarification?

Mr. Speaker: Let the hon. Member leave alone the old past; let him bury the dead past. In 1958, it is all right.

Shri Jaipal Singh: No, it is far from all right.

Mr. Speaker: All right, the hon. Member may pursue the question and ask why even in 1958, several meetings have not been held.

Shri Jaipal Singh: The hon. Minister has just told us that the special officer has indicated that these councils should meet more frequently. I would like to know what the meaning of the phrase 'more frequently' is. Is it once a year or twice a year or how often? Let us have some arithmetical figure.

Shrimati Alva: They meet more than once a year, and we have suggested that they meet more than three times. Three is the maximum number in the statement laid on the Table of the House, and we have suggested that they should meet more often than three times in a year.

Water Supply in Delhi

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*1330. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 289 on the 27th November, 1958 and state at what stage is the proposal to constitute a special committee consisting of the Union, Punjab and U.P. Ministers and the Mayor of Delhi to speedily iron out problems in connection with water supply and drainage problems of the Capital?

The Minister of Home Affairs (Shri G. B. Pant): The matter has been further considered and a tentative proposal has been reached. Final decision will be taken after consulting the Punjab and the U.P. Governments.

Shri Ram Krishan Gupta: May I know the details of the proposal which has been formulated?

Shri G. B. Pant: The proposal at present is that there should be a committee consisting of the secretaries of the various departments which have to deal with matters pertaining to Delhi Administration, and the Home Secretary should be the convener, and that wherever there is any difference of opinion or difficulty, then the Home Minister should try to settle those differences and to bring about some sort of agreement.

Shri Ram Krishan Gupta: May I know whether it is a fact that the Punjab Government have made an offer to undertake the Delhi water project?

Shri G. B. Pant: The Punjab Government have for the present agreed to release water from one of the escapes, which has not so far been providing any water for Delhi. I saw in the papers this morning that they had also put up some new schemes, which have not yet reached my hands.

Shri D. C. Sharma: May I know the part that the U.P. Government are

playing so far as the implementation of this scheme is concerned?

Shri G. B. Pant: We stand in need of water also from some streams which are in U.P. So, the assistance and co-operation of the U.P. Government are needed for that purpose.

श्री नवल प्रसाद : क्या मैं माननीय मंत्री महोदय से जान सकता हूँ कि यमुना के ऊपर एक ठेकेदार ने एक पुल बनाया हुआ है और उसकी वजह से पानी में रुकावट आती है और उसके सम्बन्ध में चीफ कमिस्नर और म्युनिसिपल कारपोरेशन के कमिस्नर का भी राय है कि वह हटा दिया जाना चाहिये किन्तु उसके बावजूद भी वह नहीं हटाया जा रहा है, इसका क्या कारण है ?

श्री गो० ब० पन्त : पुलों से बेरा ताल्लुक नहीं रहता है अगर आपने कहा है तो मैं देख लूंगा ।

Ordnance Factory, Khamaria

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*1331. { Pandit D. N. Tiwary:
Shri S. M. Banerjee:
Shri D. C. Sharma:

Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No. 989 on the 5th December, 1958 and state:

(a) whether any decision has been taken on the report of enquiry about the losses and deficiencies in the stores of Ordnance Factory, Khamaria;

(b) the findings thereof; and

(c) the action taken thereon?

The Deputy Minister of Defence (Shri Ragharamaiah): (a) to (c). The report of the Board of Inquiry has been examined by the Director General of Ordnance Factories in consultation with the Controller of Defence Accounts (Factories). He recommended the write-off of the losses complained of to the extent of about Rs. 80 lakhs which have been established and investigation of a

further loss mentioned in the report to the extent of Rs. 62.8 lakhs which has not yet been established. The

losses of Rs. 80 lakhs which are proposed to be written off consist inter alia of:—

(i) Loss on account of stores becoming obsolete.	Rs. 48.12 lakh
(ii) Loss on account of deterioration in stock.	Rs. 9.54 lakhs
(iii) Loss on account of deficiencies found on stock verification.	Rs. 17.02 lakhs*
(iv) Transit loss.	Rs. 1.03 lakhs
(v) Loss due to change in condition.	Rs. 1.22 lakhs.

*It may however be added that surplus stores worth Rs. 56.6 lakhs also came to the notice of the Board of Inquiry.

In respect of other losses a detailed examination by a special team, which will verify the stocks and assess the condition of the stores, has been considered necessary. Final action will be taken after the report of the team is received.

The investigations by the Special Police Establishment into some of the cases arising out of these losses are still in progress and final reports are expected soon. Departmental action against certain employees has already been initiated as a result of the report submitted by the Special Police Establishment in one such case.

Attention of the hon. Member is also invited to the statement on the subject laid on the Table of this House on the 9th May, 1958 in which a broad indication of the nature of the report and the action taken/being taken on it was given.

I may add that except those amounts which have been finalised and written off, the figures given in the statement that was laid on the Table of the House before as well as in this answer to-day may be treated as provisional, because further investigation is going on into the correctness of those figures.

Pandit D. N. Tiwary: The hon. Deputy Minister stated in his reply that stores worth Rs. 9.54 lakhs deteriorated. May I know how the deterioration came about, and who was responsible for that?

Mr. Speaker: That is, so far, from the investigation that has gone on,

who appears to be responsible for it?

Shri Raghuramiah: So far as these losses are concerned, they cover the period from 1949 to 1957; and they cover various items, not necessarily those due to theft or fraud but various other items like transit losses, losses because of stores becoming obsolete in course of time and by reason of later developments and deterioration in stock by reason of long storage etc.

Now, the question of individual liability is being examined by the Special Police Establishment, and they have given a final report only in one case, but their investigation into the other cases is still proceeding. To the extent they have reported, we have initiated departmental proceedings.

Pandit D. N. Tiwary: May I know whether the report submitted by the Special Police Establishment also names some gazetted officers or mere clerks only?

Shri Raghuramiah: The report covers both categories, gazetted as well as non-gazetted officers.

Shri D. C. Sharma: Originally, the loss stood at Rs. 1.78 crores. Out of it, Rs. 88 lakhs were written off, and now the loss is estimated at Rs. 60.4 lakhs; and so many items of loss have been again written off, according to the statement made by the Deputy Minister. I want to understand what kind of accountancy this is, where the loss estimated at Rs. 1.78 crores is going on tapering and tapering down till it becomes almost nothing. I want to know how this has happened.

Shri Bagharamiah: The point really is, as I explained in the statement which was laid on the Table of the House, the Board of Inquiry treated certain matters as matters of loss which, on technical examination, have been found to be not losses really in the sense that we understand an article as missing. Take, for instance, loss on account of deterioration in stock. That is deterioration in quality, and, therefore, the value gets reduced. To that extent, they have treated it as a loss. Or again, loss on account of stores being obsolete. They cannot be used for any other purpose. They have, if at all, to be sold as scrap. That loss is also treated as a loss.

Therefore, there is a difference in the figures on that account. We have asked them to investigate, as I have already explained in answer to the question just now, exactly what is meant by the loss of Rs. 62 lakhs, what are the items, and how far the loss can be treated as a loss.

Shri D. C. Sharma: I want to know the total value of the stores in this factory and how it happened that Rs. 60.4 lakhs have been written off on account of obsolete stores. What is the percentage of obsolete stores generally to stores that are usable, and how is it that in this factory, the percentage of obsolete stores has been so great as compared to the percentage of usable stores?

The Minister of Defence (Shri Krishna Menon): These are all stores of a long period. The Deputy Minister, when he mentioned the years 1949-57, was only referring to the period of the inquiry. Actually, these stores are war-time stocks and there has been no handing over of the stock list to the new people who came in. The reference to Rs. 1.8 crores and these large figures, is not of loss by reason of goods having disappeared. It is loss in book values. The book value might have been so much. But

when it is looked into again, the stock has either gone out of use or cannot be used by the fighting forces at present. Therefore, from the Army's point of view, it is a loss. It may be useful for other purposes discovered hereafter. If you will permit me, this inquiry is still going on and we would place before you all the material that is available for you to inspect and use your discretion as to how much of it should be placed on the Table of the House.

Mr. Speaker: The hon. Member wants to know the percentage of stores declared obsolete out of the total quantity of stores.

Shri Krishna Menon: He gave this figure of Rs. 48.12 lakhs with regard to obsolete stores. But in view of changing conditions, especially restriction on foreign exchange, and of the increase of non-technical skill in the factories themselves, we do not know how much of this would have to be reoriented.

Shri U. C. Patnaik: In the case of stores which have deteriorated, was there an inquiry as to whether the deterioration was due to lapse of time only or due to negligence on the part of the officers concerned?

Shri Krishna Menon: This inquiry was conducted by a comparatively junior officer in the ordnance establishment itself several years ago, and it can by no means be said that he was a technician. This is deterioration in stock according to present standards.

Shri Thirumala Rao: The Deputy Minister was pleased to tell us that among the items of losses there is an item relating to 'deficiencies—about Rs. 17 lakhs'. What are the varieties of deficiencies? Are they actually loss from the stock or have they not come into the register at all while the cost was paid for them? Will he explain what is the meaning of 'deficiencies'?

Shri Krishna Menon: Both the legs of the Deputy Minister's answer have to be considered. He mentioned loss on account of deficiencies found on stock verification, that is, verification of stock from a particular set of ledgers. Then we find another one where it shows a surplus of Rs. 56 lakhs. Some of these are documents that may have come to us from pre-independence days for which it is not possible to give any other explanation.

Shri Jaipal Singh: Is it not a fact that the officer who was in charge of this has since been transferred to headquarters and given a staff appointment, as it were? He is in the production section. In other words, although he had been held responsible for much that happened during his charge, he has been given a promotion. Is that a fact?

Shri Krishna Menon: That is not a fact. First of all, this gentleman—I am happy to say that there has been no name mentioned—has not been given any promotion. He is no longer in our service. Nothing has been proved against him either by the Special Police Establishment or by anyone else. Naturally when a person presides over an establishment, who-soever is at fault, the blame is passed on to him. That is all there is to it. We have nothing against this officer. So far as his records go, he has been a very clean person, and extremely efficient. We are sorry to lose him from the technical point of view. He has resigned. Under the law, he is entitled to resign. We cannot stop him.

Shri Joachim Alva: In cases of theft, are the authorities as strict and severe as they were during the last war, when in cases of simple theft like theft of a cigarette box, where the accused pleaded guilty straightway expecting to be left off on bond, he was convicted and given six months?

Shri Raghuramiah: In this particular case, as already explained, no case of theft has so far been proved. The Special Police Establishment are

going into that aspect of the case and the question will arise after the findings are given.

Shri Geray: What we are interested in knowing is if in a single depot like Khamaria, the losses amount to about Rs. 80 lakhs by way of deterioration, what is the incidence of such losses in other ordnance depots?

Shri Raghuramiah: The condition of storage in this depot was not ordinary, in the sense that this was a big depot catering for war requirements during the war period. Stores worth lakhs and lakhs of rupees were kept here and then the depot was closed immediately after the war. It was again reopened a little later and various other stores from Lucknow and other places were subsequently transferred here. There was a certain period wherein there was some lacuna in the accounting procedure and so on. All this covers a very long period. As I explained, the accounting is only from 1949—57, but the actual storage, as explained by the Defence Minister, was much earlier, throughout the war period. So it is not a matter of a year or two. I may explain that we have now taken various steps to tighten up security.

Shri Hem Barua: In view of the fact that this factory was commissioned for work in 1948, is it a fact that the stock verification was left over to 1952? If so, what is the percentage of losses that was inflated during this period because during the period 1949—52, the accountancy system broke down completely?

Shri Raghuramiah: It is not possible to give a breakdown of the period of losses. We may know of those losses only when the inquiry is completed.

Shri Hem Barua: What is the answer to the first part of my question? Why was it left over to 1952—the stock verification?

Mr. Speaker: Shri Tangamani. The hon. Member cannot go on like this.

Shri Hem Barua: He did not reply to the first part of my question.

Mr. Speaker: He has to be satisfied with whatever reply is given.

Shri Tangamani: In the statement, there is a reference to the reply given on 6th May, 1958—Starred Question No. 2916—That is about the J.C.O.'s death. I would like to know whether the J.C.O., who was either murdered or committed suicide, gave evidence before this board of inquiry?

Mr. Speaker: It does not arise out of this.

Shri Bagharamiah: The J.C.O. has not given evidence. He was not called upon to give evidence. The death took place in September. The board completed evidence in August. So there is no connection at all between the two.

पुस्तकालय सलाहकार समिति

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*१३३२. { श्री भक्त दर्शन :
सरदार इकबाल सिंह :

क्या शिक्षा मंत्री २४ नवम्बर, १९५८ के अतिरिक्त प्रश्न संख्या ३६१ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) पुस्तकालय सलाहकार समिति ने जो रिपोर्ट दी थी, क्या उस की एक प्रति समा-
वटल पर रखी जायेगी ; और

(ख) उस समिति की सिफारिशों पर क्या कार्यवाही की गई है ?

शिक्षा मंत्री (डा० का० ला० जीवाली) :
(क) रिपोर्ट की प्रतियाँ संसद पुस्तकालय में उपलब्ध हैं ।

(ख) रिपोर्ट सरकार के विचाराधीन है । राज्य सरकारों, प्रायोजना कमिशन और विश्वविद्यालय अनुदान कमिशन के भी विचार माँगे गये हैं ।

An hon. Member: In English also.

Dr. K. L. Shrimali: (a) Copies of the Report are available in the Parliament Library.

(b) The Report is under consideration of the Government. Comments of the State Governments, Planning Commission and University Grants Commission have also been invited.

श्री भक्त दर्शन : मैं यह जानना चाहता हूँ कि यह रिपोर्ट गवर्नमेंट के हाथों में कब आ गई थी और इस में निर्णय करने में इतनी देरी क्यों हो रही है ।

Dr. K. L. Shrimali: The Committee submitted its report to the Ministry on 15th November, 1958. As I have already explained to the hon. Member, the Ministry has to consult the State Governments, the Planning Commission and the University Grants Commission. There are various recommendations which concern the State Governments and Universities. Therefore, no further action can be taken unless consultation has been done in this matter.

Shri C. B. Pattabhi Raman: Now that the report is before Government, would they consider the feasibility of declaring certain Libraries like the Connemara Library in Madras and the National Libraries in Calcutta and Bombay, and equipping them properly?

Dr. K. L. Shrimali: I do not know about the particular Libraries to which the hon. Member is referring. This report deals with certain recommendations made by this Committee and, as I said, Government are considering this matter.

श्री भक्त दर्शन : क्या माननीय मंत्री जी बतला सकेंगे कि उन के अनुमान से कब तक इस सम्बन्ध में निर्णय हो जायेगा ?

डा० का० ला० जीवाली : मैं कोई निश्चित तारीख तो नहीं बतला सकता लेकिन यह कोशिश होगी कि जितनी जल्दी हो सके, इस पर निर्णय हो सके ।

सफेद सीमेंट

*१३३३. श्री भक्त प्रकाश : क्या वैज्ञानिक भव्यता और सांस्कृतिक-कार्य मंत्री यह बताने की कृपा करेंगे कि प्रादेशिक अनुसन्धानालया, हैदराबाद में सफेद सीमेंट बनाने के लिये निकाजी गई विधि व्यापारिक दृष्टि से कहाँ तक उपयुक्त है ?

The Minister of Scientific Research and Cultural Affairs (Shri Humayan Kabir): This will be known when pilot plant investigation is carried out for which a pilot plant is being set up at the said Laboratory.

An Hon. Member: In Hindi also.

श्री हुमायूँ कबिर : लेबोरेटरी में पायलेट प्लांट लगाया जा रहा है, जब उस पर जांच होगी तब इसका पता लगेगा ।

श्री नवल प्रभाकर : श्रीमन्, क्या मैं जान सकता हूँ कि अनुसन्धान के जो परिणाम निकले हैं, उससे यह गुण में कैसी होगी ?

श्री हुमायूँ कबिर : उसकी क्वालिटी बहुत ही अच्छी निकली है और खासकर जिसमें राजस्थान और आंध्र प्रदेश का पोटेशियम फैक्ट कर और राजस्थान का साइमस्टोन और जिप्सम लगाया गया उसका नतीजा बहुत अच्छा निकला है ।

श्री नवल प्रभाकर : दूसरी विदेशी कम्पनियों का जो सफेद सीमेंट होता है उसके अनुपात में इसका मूल्य कैसा रहेगा ?

श्री हुमायूँ कबिर : मूल्य अन्दाज़न १७० रुपये पर टन रहेगा और अभी बाजार में जो उसकी कीमत है वह २५० रुपये से ३१० रुपये पर टन है ।

Pension and Gratuity Cases

*1334. Shri Harish Chandra Mathur: Will the Minister of Finance be pleased to state the number of pension and gratuity cases which are pending for (i) over six months; (ii) over 12 months; and (iii) over two years?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): The information asked for is not readily available with the Government of India and would require to be collected from the various pension sanctioning authorities scattered all over the country. I would refer the hon. Member to the Finance Minister's reply to a somewhat similar question (viz. Unstarred Question No. 886 on the 25th February, 1959) where information regarding the number of pen-

sion cases which are pending for over a year after retirement of the employees concerned is already being collected. Government are of the view that the information that would be placed on the Table of the House in that connection will give an indication of the size of the problem and that collection of further information apart from involving an enormous amount of labour and time hardly commensurate with the public advantage to be gained, may not also be of much use.

Shri Harish Chandra Mathur: The answer which the hon. Deputy Minister has given orally differs from what has been given to me in writing. What I am told is that the information is being collected and will be laid on the Table of the House in due course; while the Deputy Minister says that it will not be profitable in public interests to collect the information.

Shrimati Tarkeshwari Sinha: I have already invited the hon. Member's attention to the reply given by the hon. Finance Minister to an Unstarred Question in which it is stated that the information is being collected. I said that apart from that information which is already being collected, any further information on the basis of this question will not be of much use.

Shri Harish Chandra Mathur: I won't enter into a controversy. This written answer is with particular reference to my question, saying that this information is being collected and will be laid on the Table of the House. I think the assurance given in writing is being withdrawn orally.

Mr. Speaker: The hon. Member is misunderstanding the answer. The hon. lady Minister said that on an earlier occasion when the hon. Finance Minister gave a reply, he said that with respect to similar facts he was having some information collected. So far as this question is concerned, the hon. Member has asked not only for those facts but also for other facts. The hon. Deputy Minister has just now said that as regards the new statistics that are sought to be collected, the trouble involved would not be at all

commensurate with the profit and, therefore, to that extent, it won't be collected.

So far as the earlier question is concerned, the promise is not being withdrawn. The information will be collected and placed on the Table. I understand this is how the hon. Minister replied. The hon. Member does not understand. I am really surprised.

The hon. Member will proceed to put a question if he has any. The hon. Member seems to have misunderstood the reply. The reply is that whatever the Finance Minister has agreed to collect will be collected and whatever new things are sought to be collected will not be collected because the trouble involved is not at all proportionate to the advantage gained. That is the view of the hon. Deputy Minister.

Shri Harish Chandra Mathur: It is in respect of this new information that is asked for in this question that it has been stated in the note handed over to me that it is being collected and will be laid on the Table of the House.

On this particular question just before the House it is said so. I have just collected it from the Notice Office. It is stated in the written answer that this information asked for by me in respect of this particular section is being collected and will be laid on the Table of the House.

Mr. Speaker: How does he get a copy of that?

Shri Harish Chandra Mathur: I got it from the Notice Office.

Mr. Speaker: I was all along under the impression that it related only to the earlier question.

Shrimati Tarkeshwari Sinha: Basically, the information asked for by the hon. Member and the reply that was given by the Finance Minister are not different. The Finance Minister gave a reply.....

Mr. Speaker: The hon. Minister must follow what the hon. Member says. The hon. Member says that he is prepared to accept whatever has been

said with respect to an earlier question. He says that he has got a statement from the Notice Office which says that the figures are being collected. How does the hon. Minister have a different answer?

Shrimati Tarkeshwari Sinha: I am not aware of how he got that. I shall enquire into that.

Mr. Speaker: I shall find out from the records.

Shri Harish Chandra Mathur: In view of the fact that this question has been receiving the serious attention of the Finance Ministry, may I know if they can give us a general indication of the number of pension cases which are in arrears—whatever information they have got—and also what are the main causes for these cases being delayed in disposal?

Shrimati Tarkeshwari Sinha: I have already replied that question. To clarify that further, the information is already being collected and we will lay it on the Table.

Shri C. R. Pattabhi Raman: Will Government consider issuing directives to expedite the cases pending for more than a year?

Shrimati Tarkeshwari Sinha: That directive has already been issued and I would like to invite the attention of the hon. Member to the reply given by the Finance Minister on the 2nd March. He said that as soon as a person retires he would be given the pension.

Shri Sonavane: Is any ad hoc amount paid during the pendency of the settlement of these claims for gratuity and pension in deserving cases?

The Minister of Finance (Shri Morarji Desai): A provisional pension is given.

Shri Harish Chandra Mathur: A committee had been appointed in consultation with the Organisation and Methods Division to evolve a procedure which will make for very quick disposal of the cases in arrears. May I

know if that committee has finalised its report and what procedure has been evolved for the disposal of those cases?

Shrimati Tarkeshwari Sinha: The committee has finalised its report. So far as the recommendations in regard to procedure is concerned, they have already been implemented by the directives that have been given by the Finance Ministry.

Mr. Speaker: May I know from the hon. Member the number of his Starred Question for which he has got a statement from the Notice Office? I have got a copy of the reply which is exactly in the same terms as the one which the hon. Deputy Minister has read out. It is supplied to me and I have it before me.

Shri Harish Chandra Mathur: It is No. 1334. Down below it is written 886.

Shrimati Tarkeshwari Sinha: Question No. 886 is the question to which I have already made a reference in my reply.

Mr. Speaker: How does the hon. Member say that the hon. Minister has committed himself? I do not find it in the reply.

Shri Harish Chandra Mathur: It is what I collected from the Notice Office, Sir.

Mr. Speaker: That has reference to the earlier question. I am afraid the hon. Member is wrong. Now, let us proceed to the next question. Let not any hon. Member be assertive in these matters.

Scientific Policy Resolution

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*1334. { **Shri D. C. Sharma:**
Shri Rameshwar Tanti:

Will the Minister of Scientific Research and Cultural Affairs be pleased to refer to the reply given to Starred Question No. 326 on the 28th November, 1958, and state the latest position with regard to the implementation of the scientific policy resolution?

The Minister of Scientific Research and Cultural Affairs (**Shri Humayun Kabir**): In addition to action already reported to Parliament, a scheme to grant 'Merit Promotions and Advance increments' to scientific personnel working in the Defence Science Organisation and the Indian Agricultural Research Institute, has been approved by Government.

2. The Government is considering a scheme formulated by the All India Council for Technical Education to improve the conditions of service of teachers working in technical institutions.

3. The Council of Scientific and Industrial Research has set up a committee under Dr. D. S. Kothari to consider the establishment of a Central Institute for Scientific and Technical Information.

4. The other recommendations are still under consideration.

Shri D. C. Sharma: May I know what has happened to the scheme of setting up an All India scientific service?

Shri Humayun Kabir: I do not know to what the hon. Member is referring. There is no proposal as such for an All India scientific service. But there are a number of scientific services and some of them are all-India services.

Shri D. C. Sharma: That was one of the suggestions made in the Scientific Policy Resolution that an All India scientific service should be created. I want to know what has happened to it.

Shri Humayun Kabir: The operative part of the Scientific Policy Resolution is given in paragraph 7 in which I do not find any definite reference to all India service.

Shri D. C. Sharma: May I know if any pool of scientific experts is being created and if so at what stage is it?

Shri Humayun Kabir: That is another matter. Certainly there was a

recommendation about the creation of a central pool and action has already been initiated. It has been decided that there will be a pool of highly qualified technical personnel of whom about 25 per cent shall be persons with Indian qualifications and degrees. Advertisements for the pool have been issued and this is in the process of being constituted.

Shri D. C. Sharma: May I know whether any efforts are being made for spreading scientific education at the post-graduate level or at the university level?

Shri Humayun Kabir: I did not quite follow the question. Of course post-graduate education is specialised and whether it is science or humanities, for every subject there is separate provision. I do not understand what exactly the hon. Member wants.

Shri D. C. Sharma: I want to know whether any efforts are being made for the training of scientists of the higher kind. That is what I meant.

Shri Humayun Kabir: Every effort is being made to train scientists of every kind.

Mr. Speaker: How has it improved our knowledge? Now, next question.

Republic Day Celebrations

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*1257 { **Shri S. C. Samanta:**
Shri Aurobindo Ghosal:
Shri Subodh Hansda:

Will the the Minister of Defence be pleased to state:

(a) whether any foreign cadets were invited by Government to attend the Republic Day in New Delhi; and

(b) if so, how many and from which countries?

The Deputy Minister of Defence (Sardar Majithia): (a). Yes.

(b) Each of the Commonwealth countries which have Cadet Corps was invited to send up to three Cadets. Three Cadets from the United King-

dom and two each from Ceylon and Ghana came for this year's Republic Day.

Shri S. C. Samanta: May I know how the expenditure incurred for this purpose was met?

Sardar Majithia: The passage was paid by their respective countries. While they were here they were the guests of the Government of India, or rather the Defence Ministry, and they were looked after.

Shri Joachim Alva: It is reported that the three cadets who came from the United Kingdom were very much impressed with our Republic Day celebrations. May I know whether in the next year the Ministry proposes to call more people from different countries?

Sardar Majithia: Every year we have been asking the cadets to come and witness our Republic Day parade; next year will be no exception.

Shri Thirumala Rao: May I know the policy behind this invitation? Is it restricted to Commonwealth countries?

Sardar Majithia: It is just a reciprocal invitation. They ask us to come and we ask them to come over. That is the basic idea behind it.

Shri Hem Barua: May I know whether Pakistan was invited and, if so, what is the reaction to that invitation?

Sardar Majithia: As I said, invitation was sent to all the Commonwealth countries and whoever chose to send the cadets were most welcome.

Boat Accident

*1259. **Shri Mohammed Imam:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the boat in which the Deputy Home Minister was returning to the Andamans, capsized and she was exposed to danger; and

(b) the cause of this accident?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) The canoe in which the Deputy Home Minister was returning from Car Nicobar island to the ship 'M.V. Nicobar' capsized. The Deputy Home Minister was exposed to some danger.

(b) Rough and swelling sea.

Mr. Speaker: Now that she is safe, why pursue this question?

Shri Mohammed Imam: May I know whether it is not a fact that Ministers' lives are very precious and more so the life of the lady Deputy Minister who comes from Mysore? May I know why proper safety measures were not taken for a safe voyage to Andamans and whether we can take it that the Deputy Minister will not repeat such experiments hereafter?

Shrimati Alva: Such experiments will not arise, but this experiment arose because when we were landing on the Car Nicobar island we went in two canoes that were tied by a plank. We tried that out again and this unhappy incident occurred.

Export of Iron and Steel Scrap to Japan

*1340. Shri Ajit Singh Sarhadi: Will the Minister of Steel, Mines and Fuel be pleased to state—

(a) the total quantity of export of Iron and Steel Scrap in 1958 to Japan and its value; and

(b) what further quantities has Japan promised to take during the year 1959?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): (a) The total quantity of Iron & Steel Scrap exported to Japan in 1958 was about 1.05 Lakh tons valued at about Rs. 165 Lakhs in round figures.

(b) Government are not aware of any promise given by Japan regarding the quantity of scrap that Japan would take during the year 1959. However, Japan is expected to buy scrap from India in 1959.

Shri Ajit Singh Sarhadi: Is it done on cash payment basis or on barter basis?

Shri Gajendra Prasad Sinha: Scrap is exported and we try to import finished steel instead of it.

Shri Mohammed Imam: Iron and steel scrap is required by our own iron factories in India and there is considerable shortage of the scrap. When there is shortage, may I know the reason for allowing the export of scrap which we need for ourselves very urgently?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): Our policy is that our internal requirements have got precedence and whatever is not required by us is only permitted to be exported and our experience over the last two or three years does indicate that the export was in categories which are not normally used by users inside the country. It earns valuable foreign exchange. Therefore, we have been pursuing that policy of exporting those items which could not be used inside the country.

Shri Panigrahi: May I know whether it is a fact that during the last one or two years some of the indigenous factories which need this iron scrap were closed because the raw materials were not available for them?

Sardar Swaran Singh: No, Sir. I have not heard of any case. If there is any particular case in the mind of the hon. Member I would take that information.

Pre-Examination Coaching for Scheduled Castes and Scheduled Tribes Candidates

*1341. Shri B. C. Mullick: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 812 on the 10th December, 1958 and state:

(a) whether Government have received reply from the University of Allahabad regarding the starting of pre-examination coaching classes at

Allahabad University for Scheduled Castes and Scheduled Tribes candidates who appear for I.A.S. and I.P.S. examinations;

(b) if so, the nature of such reply; and

(c) how many other Universities were approached to take up this scheme?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Yes, Sir

(b) The Allahabad University have agreed to run the coaching classes at Allahabad.

(c) Four other Universities viz, Bombay, Agra, Madras and Calcutta were addressed in the matter.

Shri B. C. Mullick: May I know when this scheme will be taken up?

Shrimati Alva: We had referred it to the different universities. Allahabad is the only university that has agreed. Amounts have been sanctioned during the last month to conduct these classes for 100 trainees at an estimated cost of Rs. 30,560

Mr. Speaker: When will this scheme be taken up?

Shrimati Alva: It does not depend upon us; it depends upon the universities. Delhi University has declined.

Mr. Speaker: The hon. Member does not want that With respect to Allahabad where they have agreed to start this scheme.....

Shrimati Alva: Last month, we have sanctioned the amount and they should be starting it now.

The Minister of Home Affairs (Shri G. B. Pant): It will start in August, 1950.

Shri B. C. Mullick: May I know whether the Allahabad University has given any indication about the basis of selection of candidates?

Shrimati Alva: The basis of selection would be first-class and second-class graduates. From them selection

would be made for candidates to be trained.

Shri Jadhav: May I know what will be the duration of the coaching classes and whether this will be free?

Shrimati Alva: I have just said that the amounts will be sanctioned for those universities that undertake this coaching. Allahabad has undertaken to do it. The students will get lodging, boarding and coaching free.

Shri B. C. Mullick: What would be the duration of the scheme?

Shrimati Alva: It would be an academic year.

Shri Thimmamah: May I know whether the Government has prepared a scheme for training the students in each university; if so, may I know the number of students to be trained at each university at a time?

Shrimati Alva: We have the scheme, but the universities are not prepared.

Shri Sonavane: May I know the reasons why the other universities are not accepting the scheme, and what steps Government think of taking to make these universities take up the scheme?

Shri G. B. Pant: If these universities take up the scheme, then, on receipt of proposals from them, those proposals will be considered sympathetically.

Shri S. E. Aramugham: The hon. Deputy Minister for Home Affairs said that the Madras University has agreed to take up this scheme. May I know whether they will take up the scheme this year?

Shrimati Alva: Madras has not agreed.

Shri B. K. Gaikwad: May I know how many students can be accommodated at a time, and what will be the amount of scholarship which would be given per student?

Shri G. B. Pant: 100 students will be trained at one time, and they will be given, I think, a reasonable amount to enable them to meet their expenditure.

Shri Sonavane: Sir, I wanted to know the reasons why some universities have not accepted the scheme.

Mr. Speaker: Ask those universities.

Shri G. B. Pant: Those universities, perhaps, seem to be of the opinion that their main function is to concentrate on academic studies and not on coaching, and the universities which have not been pleased to accept our proposal have stuck to their orthodox attitude in these matters.

Shri Sonavane: Is it not a healthy...

Mr. Speaker: All that may be true. Hon. Member has got five members in the local Assembly. He can persuade at least one of them to take up this matter in the local Assembly.

Salary Saving Scheme

*1345. **Shri Geray:** Will the Minister of Finance be pleased to state what steps Government are contemplating to take with a view to make the Salary Saving Scheme of the Life Insurance Corporation of India applicable to Central Government Employees?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): This suggestion was considered last year but was not found practicable.

Shri Geray: In view of the fact that these facilities were available for employees in some departments like the Railways before the L.I.C. came into existence, will not Government consider the question of expediting this scheme?

Shrimati Tarkeshwari Sinha: Even now considerable difficulties are experienced by the accounting officers in proper accounting of the deduction allowed in the pay bills. There-

fore, it sometimes leads to consequential delay in the finalisation of accounts. Therefore, looking to these difficulties, Government thinks that it is not in a position to start this scheme for the Central Government employees.

Shri Tangamani: Some private employers have already accepted this scheme. If the reason is only accounting difficulty, may I know why the Government is not taking steps when we will be getting at least Rs. 10 crores yearly by way of premia?

Shrimati Tarkeshwari Sinha: So far as the non-gazetted staff is concerned, Government think that the policy holders should themselves be responsible for the premium. If the disbursing officers are made responsible for the deduction of that amount from the pay bills, they will be responsible for paying the premium to the Life Insurance Corporation. It will involve so many difficulties in case the policy holders as such will not be responsible for payment of the premium. So far as gazetted officers are concerned, there are certain accounting difficulties, and therefore we do not think we are in a position to take it up.

Shri Tangamani: There are now about 60 lakh policy holders, and now the premium that is paid each year will be somewhere about Rs. 10 crores.

Mr. Speaker: Hon. Member is arguing.

Shri Tangamani: They are contributing at least Rs. 10 crores, and if this is taken another Rs. 10 crores will come. Because of accounting difficulties alone, why should Government stand in the way?

Shri Geray: My point was that in the Railway Department, for instance, before the L.I.C. came into existence

this facility was extended to the railway employees. Why is it that it has been taken away?

The Minister of Finance (Shri Maraji Desai): Because it is found by experience that the accounting system will not bear the strain of doing this. I do not think this will lessen the insurance in any way.

Mr. Speaker: Question No. 1346—
Shri R. S. Tiwari.

An Hon. Member: He is not present.

Mr. Speaker: Next Question—Shrimati Ila Palchoudhuri.

Some Hon. Members: Shrimati Ila Palchoudhuri.

Mr. Speaker: Question No. 1347 is passed over—the hon. Member is not attentive. We will go to the next question.

Mineral Survey in Southern India

*1348. Shri Elayaperumal: Will the Minister of Steel, Mines and Fuel be pleased to state the nature of steps taken or proposed to be taken to intensify search for base metals in the hilly regions of Southern India (Andhra, Mysore, Kerala and Madras)?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): With a view to intensify and accelerate the search for base metals in this country, a Base Metals Wing has been set up in the Geological Survey of India. A senior officer of the Geological Survey of India has been placed in overall charge of this Unit. He is working out organisational details and demarcating the areas in all parts of India where intensive work should be taken up in order of priorities.

The programme of work of this Unit is likely to be finalised very shortly when only it can with certainty be stated in what parts of Southern India the operations will be undertaken by this Unit.

410 (A) L.S.D.—2

Shri Elayaperumal: May I know whether the Ministry has received any information regarding a hill near Madura District which has revealed large amounts of iron deposits?

Shri Gajendra Prasad Sinha: The Geological Survey of India has mapped certain areas and has got certain information about deposits in different parts of the country.

Shri Narasimhan: In view of the fact that the Atomic Energy Commission has found in Madura and Salem District uranium bearing rocks, will the Geological Survey of India help them in further research, and will it do further exploration or will it be left to the Atomic Energy Commission to do it by itself?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): All help of every kind which the Atomic Energy Commission requires the Geological Survey of India to render will be ungrudgingly given.

Shri Narasimhan: May I know whether the recent discovery of uranium bearing rocks in Madura and Salem District was done by the Geological Survey of India or by the Atomic Energy Commission?

Sardar Swaran Singh: The Atomic Energy Commission also has got its own organisation for discovery and exploration of minerals of special interest to the Atomic Energy Commission.

Shri C. R. Pattabhi Raman: Will there be a geodetic survey marking these areas bearing uranium and other ores so that they are not misused and made useless for exploitation later on?

Sardar Swaran Singh: That is a suggestion for action.

Shri Achar: May I know whether any survey work has been done in the West Coast—I mean, South Kanara and North Kanara?

Sardar Swaran Singh: I think the hon. Member will be well advised to table a separate question because that may give some useful information.

Shri Panigrahi: May I know whether the Ministry of Steel, Mines and Fuel has appointed any expert committee to assess the iron ore deposits, in the various States of India; and, if so, what is their report?

Sardar Swaran Singh: So far as iron ore deposits in the country are concerned, a good deal of work has been done by the Geological Survey of India from time to time, and according to present indications India is very fortunate in possessing fairly large deposits of iron ore which are not only large in quantity but also very good in quality. I do not think that any special committee is required to be appointed to make any assessment of that mineral.

Shri S. E. Arumugham: Are the Government aware that good iron ore is available in the Nilgiri District of the Madras State and whether the Government have made any survey of that area?

Sardar Swaran Singh: It is true that iron ore is to be found in fairly large parts in the South and some of the deposits are very rich and the position has been stated from time to time about the occurrence of these iron ores in that locality.

As for the particular locality about which the hon. Member is enquiring, I could not say off-hand.

Mr. Speaker: Shrimati Ha Palchoudhuri.

Shrimati Ha Palchoudhuri: No. 1347. Thank you, Sir.

Oil Survey by Stanvac

*1347. **Shrimati Ha Palchoudhuri:** Will the Minister of Steel, Mines and Fuel be pleased to state the latest position concerning progress made in respect of exploration of oil by Stanvac in West Bengal?

The Parliamentary Secretary to the Minister of Steel, Mines and Fuel (Shri Gajendra Prasad Sinha): The Company has done extensive geological and geophysical exploration in the West Bengal basin. It has also made a photogeomorphological survey of the concession area, the results of which are being studied. It has drilled 5 wells already and is presently drilling the 6th. It is too early to say whether the 6th well will also prove dry.

Shrimati Ha Palchoudhuri: May I know what is the progress of the drilling in the Darjeeling district where it has been said that some oil has been traced?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): The places where the wells have already been drilled are Burdwan, Galsi, Jalangi, Dabagram and Bolpur. The sixth well which is being drilled now is at Ranaghat. The hon. lady Member, with her knowledge of geography of Bengal, can allocate these to the various districts.

Shri Kashiwal: May I know whether the company has stopped the survey for oil in this area or is still continuing?

Sardar Swaran Singh: No, Sir. They have not stopped; they are still continuing. As I said a moment ago, the well which is being drilled now is at Ranaghat, and already, the indications are that it might produce gas, although it is too early to say as to whether this will be high pressure gas or low pressure gas.

WRITTEN ANSWERS TO QUESTIONS

Defence Research and Development Advisory Committee

*1325. **Shri Rajendra Singh:** Will the Minister of Defence be pleased to refer to the reply given to Unstarred

Question No. 358 on the 24th November, 1958 and state:

(a) whether the Defence Research and Development Advisory Committee has since met;

(b) if so, the recommendations made by the Committee; and

(c) if the reply to part (a) be in the negative, the reasons therefor?

The Deputy Minister of Defence (Shri Raghuramiah): (a) Yes. The first meeting was held on the 28th January, 1959.

(b) Matters regarding Grants-in-aid for Research projects and the problem of allocation of Research work to certain universities, national laboratories and Research institutions were generally discussed.

(c) Does not arise.

Aligarh University

*1329. Shri Vidya Charan Shukla: Will the Minister of Education be pleased to state:

(a) how many students were awarded scholarships by Central Government for prosecuting studies in the Aligarh University during the last ten years;

(b) whether any bond was executed by the recipients of these scholarships;

(c) the nature of the bond executed; and

(d) the number of scholarship-holders who failed to honour the terms of the bond?

The Minister of Education (Dr. K. L. Shrivastha): (a) to (d). A statement is laid on the Table of the House. [See Appendix IV, annexure No. 65.]

Pipeline from Assam Oil Fields to Refinery

*1335. { Shri Nagi Reddy:
Shrimati Parvathi Krishnan:
Shri Vasudevan Nair:

Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether any phased programme

has been decided upon for the maintenance of the crude oil supply and the construction of the pipelines from the Assam Oil Fields to Bihar Oil Refinery and the Assam Oil Refinery; and

(b) if so, what are the details of the programme?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) and (b). It is proposed to construct both stages of the pipeline simultaneously. The first stage is proposed to be completed by April 1961, and the second by April, 1962.

Employment of Non-Himachalis in Himachal Pradesh

*1336. Shri E. Madhusudan Rao: Will the Minister of Home Affairs be pleased to state:

(a) whether any complaints have been received with regard to the employment of non-Himachalis even to sub-ordinate and non-gazetted posts by the Himachal Pradesh Administration, ignoring the provisions of the Public Employment Requirement Act, 1957; and

(b) if so, whether Government have taken any action to mitigate the grievances of the people?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) Regardless of the merits of the complaints, the Administration have been asked to give special consideration to the Himachal candidates in making appointments to such posts.

National Coal Development Corporation

*1342. Shri Wodeyar: Will the Minister of Steel, Mines and Fuel be pleased to state what amount has been paid by the National Coal Development Corporation up to date as compensation to the owners for obtaining

mining rights in Kathara, Karanpura, Korba and other areas?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): Claims have been received so far only in respect of mining rights acquired in the Kathara area and in Gidi, Saunda and Bachra in the Karanpura area. The amount of the claim is about Rs. 23 lakhs for the Kathara area and has been made by the Kathara Coal Company Ltd. As there are two other parties claiming a share of the compensation, it is proposed to refer the matter to the Tribunal set up under the Coal Bearing Areas (Acquisition and Development) Act, 1957. The total compensation as admitted by Government will be simultaneously deposited with the Tribunal. In regard to the Karanpura area, Messrs. Bird & Company are the claimants. They have asked for time to revise the details of the claim previously submitted by them to the National Coal Development Corporation.

Commissioner for Sales Tax, Delhi

*1343. Shri D. R. Chavan: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the rules regulating the appointment of Commissioner for Sales Tax, Delhi were framed by the Delhi Administration and the Union Public Service Commission and it is laid down therein that this post should be held only by an I.A.S. or I.R.S. Officer on tenure basis;

(b) whether the present incumbent of the post of Commissioner, Sales Tax, Delhi belongs to either I.A.S. or I.R.S.; and

(c) if not, why it has not been filled up in a manner conforming to the prescribed rules and regulations?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes.

(b) No

(c) When the post fell vacant in August last, the present officer has

been appointed merely in an officiating capacity pending the selection of a permanent incumbent.

Automatic Rifles for Armed Forces

*1344. Shri Dinesh Singh: Will the Minister of Defence be pleased to state whether there is a proposal to supply the Armed Forces with automatic rifles?

The Minister of Defence (Shri Krishna Menon): Proposals in regard to the equipment of Armed Forces personnel are continually under review.

हिमाचल प्रदेश में बहुपति प्रथा

*१३४६. श्री रा० स० तिवारी : क्या बिचि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश के कुछ भागों में अब भी बहुपति प्रथा प्रचलित है ; और

(ख) यदि हाँ, तो सरकार इस प्रथा को समाप्त करने के लिये क्या कार्यवाही कर रही है ?

बिचि उपमंत्री (श्री हज्जतमनबोस) :
(क) सरकार को इस मामले में कोई जानकारी नहीं है ।

(ख) सरकार इस बारे में कोई विशेष कार्यवाही करना आवश्यक नहीं समझती ।

Maulana Azad's Memoirs

*1349. { Shri U. C. Patalk:
Shri Aurobindo Ghosal:
Shri Prakash Vir Shastri:
Shri Bibhuti Mishra:

Will the Minister of Education be pleased to state:

(a) whether the manuscripts of the memoirs or autobiography of the late Maulana Azad is being preserved in the National Archives; and

(b) If so, when it is likely to be published?

The Minister of Education (Dr. K. L. Shrinani): (a) Yes, Sir.

(b) The sealed cover with the National Archives of India purporting to contain the complete text of the second volume of the late Maulana Asad's Autobiography will be opened after February 22, 1988, i.e. thirty years after his death. The question of publication will only arise after that date.

लेटराइट पत्थर

*१३५०. श्री आनंद : क्या इस्पात, जल और ईंधन मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बम्बई राज्य के रत्नगिरि जिले में लेटराइट पत्थर की बड़ी-बड़ी खानें मिली हैं ;

(ख) क्या सरकार ने इस सम्बन्ध में कोई भूतत्वीय सर्वेक्षण किया है ; और

(ग) यदि नहीं, तो क्या कोई ऐसा प्रस्ताव विचाराधीन है ?

जल और तेल मंत्री (श्री के. डे. बालसाहेब) : (क) से (ग). रत्नगिरि जिले में लेटराइट पत्थर (Laterite Stone) की मौजूदगी का कुछ समय से पता चला है । जिले की व्यवस्थित मान चित्रकारी के दौरान भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा जोखे गये लेटराइट के घनाबा लेटराइट की खान किसी नई खोज की रिपोर्ट नहीं मिली है । ऐसा मालूम हुआ है कि पदार्थ अच्छी किस्म का नहीं है । इस जिले में लेटराइट पत्थर का सर्वेक्षण करने के लिये कोई नया प्रस्ताव विचाराधीन नहीं है । क्योंकि भूमीक्षण (Reconnaissance) के आधार पर

भारतीय भूगर्भीय सर्वेक्षण विभाग द्वारा पहले ही इसका मानचित्रण किया जा चुका है ।

Alloy and Tool Steel

*1351. श्रीमती रेखा चक्रवर्ती: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the alloy and tool steel project to be built in the Public Sector has been finalised;

(b) which are the foreign parties who have submitted estimates;

(c) what are the items for which estimates have been asked for,

(d) whether any foreign party has been chosen to submit the final project report; and

(e) if so, what will be the information contained in the project report and the terms and conditions on which this report will be prepared?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Specifications have been finalised.

(b) and (c). Firms from four countries—U.K., France, Italy and Poland—have quoted, as required, for (i) preparation of the detailed project report; (ii) engineering services during construction; and (iii) 'know-how' for manufacture and training of personnel.

(d) No, Sir. Not yet

(e) The project report will give sufficient details of the plant and equipment and the design features, for civil engineering and erection work, to enable Government to call for tenders. It will also contain other relevant information like estimated investment, estimated cost of production, processes to be employed and personnel required.

Death of Indian Doctor in Nepal

*1352. { Shri S. M. Banerji:
Shri Jagdish Awasthi:
Shri Warior:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that an Indian doctor in Nepal died in a road accident on the 27th February, 1959; and

(b) if so, the circumstances attending the accident and the total number of casualties?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) Yes Dr. J. S. Agrawal, a Lecturer in Botany, who had been deputed to Nepal under India's Aid Programme, died in a road accident on the 27th February, 1959; and

(b) A statement is laid on the Table of the House.

STATEMENT

Dr. J. S. Agrawal was required to accompany a batch of students of the Tri-Chandra College, Kathmandu, on an education tour to India commencing on the 27th February, 1959. The party, which consisted of 17 students and a few other passengers, besides Dr. Agrawal, left Kathmandu in an open truck at about 7 A.M. on the 27th February, 1959. About 3 miles from Thankot, as the truck was going on a steep decline, it suddenly developed mechanical trouble and the vehicle went into a khud in a spin, entered a nulla and came to a stand-still at about 500 ft. from the road in bits and pieces. Dr. Agrawal and a student died on the spot, while others sustained injuries of varying degrees. There have so far been six other deaths in the Bir and American Mission Hospitals where the injured were admitted. These include one casual passenger—all others were students.

✓ Management of Public Funds in Air Force

*1353. Shri Rajendra Singh: Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No. 387 on the 24th November, 1958 and state;

(a) whether the report submitted by the Committee to enquire into the management of Public Funds in the Air Force has since been considered; and

(b) if so, the decisions taken thereon?

The Deputy Minister of Defence (Sardar Majithia): (a) The Report is still under consideration by Government ✓

(b) Does not arise.

Industrial Finance Corporation

*1354. { Shri Subodh Hanada:
Shri S. C. Samanta:
Shri R. C. Majhi:

Will the Minister of Finance be pleased to state:

(a) the steps taken or proposed to be taken by the Industrial Finance Corporation to make good the loss of about half a crore of rupees sustained by it in its deal with Sodepur Glass Works;

(b) whether it is a fact that the Corporation is trying to settle the matter with the guarantors, and

(c) if so, whether any amount has been recovered from them?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) The Corporation has initiated legal proceedings against the guarantors.

(b) The Corporation would be willing to consider a settlement of the matter out of court if a satisfactory proposal is received from the guarantors.

Manufacture of Aeroplanes in Hindustan Aircraft (Private) Ltd.

*1355. **Shri Ram Krishan Gupta:** Will the Minister of Defence be pleased to state:

(a) the extent to which the defence requirements in respect of aeroplanes are met by the production in the Hindustan Aircraft (Private) Ltd., Bangalore;

(b) the total cost of the various types of aeroplanes imported during 1958; and

(c) when the country would become self-sufficient in this regard?

The Deputy Minister of Defence (Sardar Majithia): (a) Trainer Aircraft and part production of some Vampires are done at Bangalore.

(b) It is not in the public interest to give out the information

(c) It is not possible to say at this stage when the country will become self-sufficient in respect of its requirements of aircraft.

Export of Pig Iron

*1356. **Pandit D. N. Tiwary:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) the quantity of pig iron exported in 1958;

(b) whether the demand of pig iron in the country has been fully met during the period, specially for Small Scale and Cottage Industries, and

(c) whether Government are aware that some manufacturing units in the country, specially in Bihar are suffering for want of adequate supply of pig iron?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) There has been no export of pig iron during 1958.

(b) Demands of all foundries have been met in full from Period III/1958 onwards

(c) No, Sir. The supply position is such that all demands for pig iron can be met.

Powers of Governors

*1357. **Shri Harish Chandra Mathur:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government's attention has been drawn to the observations made by Justice K. Sankaran of Kerala High Court regarding the curtailment of the powers of Governors in the matter of granting pardon and remission of sentences; and

(b) what consideration, if any, has been given by Government to this matter?

The Minister of Home Affairs (Shri G. B. Pant): (a) Yes. Copies of the Report have been obtained from the Government of Kerala.

(b) The State Government is expected to give due consideration to the observations and suggestions made in the report by the Commission of Enquiry appointed by them. No proposals have been received here in this regard.

Child-Lifting

*1358. **Shri D. C. Sharma:** Will the Minister of Home Affairs be pleased to refer to the reply given to Starred Question No. 292 on the 28th November, 1958 and state the further progress made with regard to the study of existing laws to determine whether they are adequate for coping with child-lifting and the specific problem of children being mutilated?

The Minister of Home Affairs (Shri G. B. Pant): The views of the State Governments on the tentative conclusions reached by the Government of India are being examined.

Foreign Loans

*1359. **Shrimati Bansi Chakravarty:** Will the Minister of Finance be pleased to refer to the reply given to

Starred Question No. 318 on the 17th February, 1959 and state:

(a) whether the interest on foreign loans incurred by the non-Government agencies will be paid by the Government of India or by the agencies themselves; and

(b) what are the service charges and who will bear them?

The Deputy Minister of Finance (Shrimati Tarkeshwari Sinha): (a) The interest on foreign loans obtained by the non-Government agencies is payable by them direct to the World Bank from whom all the loans in question have been taken

(b) A service charge, which is called 'Commission' under the Articles of Agreement of the Bank, is payable at one percent per annum and is to be borne by the borrowers

Auto-Car Refuellers for I.A.F.

*1360. { Shri S. M. Banerjee:
Shri Tangamani:
Shri Warier:

Will the Minister of Defence be pleased to state:

(a) whether a new project is being undertaken to rebuild auto-car refuellers (bowzers) for the use of the Indian Air Force, and

(b) if so, the cost of this project and its capacity?

The Deputy Minister of Defence (Sardar Majithia): (a) No new project is being set up to rebuild auto-car refuellers (Bowzers) for the use of the Indian Air Force. Rebuilding and reconditioning of these refuellers has been undertaken by the Air Force and is done at Avadi

(b) Does not arise.

Karaikudi Research Institute

*1361. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri R. C. Majhi:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that Karaikudi Research Institute in Madras State has developed a new type of primary wet cell which makes use of indigenous and easily available inexpensive components;

(b) if so, what steps Government have taken to develop it on a commercial scale; and

(c) whether the components are sufficiently available to develop it on a commercial scale?

The Minister of Scientific Research and Cultural Affairs (Shri Humayun Kabir): (a) and (c) Yes, Sir

(b) Trials in actual use are being conducted. When these trials prove satisfactory, further steps will be taken with a view to commercial development

"Prof Kaldor's Suggestions about Integrated Tax Structure"

*1362. { Shrimati Renu Chakravartty:
Shri Rajendra Singh:
Shri Ram Krishan Gupta:
Shri Supakar:
Shri Harish Chandra
Mather:
Pandit D. N. Tiwary:
Shri Keshava:

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Prof. Nicholas Kaldor has suggested a birth tax on Hindu Mitakshara coparcenary property to be included in the integrated tax structure in India;

(b) whether certain other tax proposals have been suggested by him;

(c) if so, the exact nature of the proposals; and

(d) the Government's reaction to the same?

The Deputy Minister of Finance (Shrimati Tarkeshwari Shaha): (a) Government have no information.

(b) and (c). His suggestions are contained in his report on 'Indian Tax Reform' published by Government on 16th June, 1956. Copies have already been sent to the Parliament Library.

(d) It is not practicable to state Government's reactions to every taxation proposal which is made. Decisions taken by Government will be apparent from the legislation brought from time to time.

Banaras Hindu University

*1943. { Shri Ram Krishan Gupta:
Shri D. C. Sharma:
Shri Braj Raj Singh:

Will the Minister of Education be pleased to state:

(a) the number of institutions under the Banaras Hindu University re-opened so far; and

(b) the final date by which all the Colleges will be opened?

The Minister of Education (Dr. K. L. Shrivastava): (a) All the institutions under the Banaras Hindu University, which were closed indefinitely with effect from the 8th October, 1958, have since been re-opened.

(b) Does not arise.

Production of Coal

2044. Shri Ram Krishan Gupta: Will the Minister of Steel, Mines and Fuel be pleased to state the quantity of coal produced in public and private sector during the year 1958-59 so far?

The Minister of Steel, Mines and Fuel (Sardar Swarnam Singh):

Coal Produced

Period	Private Sector	Public Sector	Total
(In million tons)			
April '58 to January '59	33.06*	4.95*	38.01*

*The figures for January '59 included above are provisional.

Legal Aid to Scheduled Tribes in Punjab

2065. Shri Ram Krishan Gupta:
Shri D. C. Sharma:

Will the Minister of Home Affairs be pleased to state:

(a) the amount allocated by the Centre to the Government of Punjab for giving free legal aid to Scheduled Tribes during 1958-59;

(b) the amount spent out of it so far; and

(c) the number of persons benefited?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) to (c). No amount has been allocated by the Centre to the Government of Punjab for giving free legal aid to Scheduled Tribes during 1958-59 as no such programme has been included by the State Government in their plans for the Welfare of Scheduled Tribes.

Exemptions from Income-Tax in U.P.

2066. Shri D. C. Sharma: Will the Minister of Finance be pleased to state:

(a) the total number of industrial concerns and joint stock companies exempted from Income-Tax in Uttar Pradesh; and

(b) the reasons for exemption?

The Minister of Finance (Shri Morarji Desai): (a) and (b). No.

companies have received exemption as such. However, two companies received relief under clause 15 of the Merged States (Taxation Concessions) Order, 1949 and a third company received the benefit of Section 15C of the Indian Income-tax Act, 1922

Staff in the Ministry of Education

2067 Shri D. C. Sharma: Will the Minister of Education be pleased to state.

(a) the number of Assistants and Clerks at present in the Ministry of Education and its subordinate offices in Delhi and outside Delhi, separately, and

(b) the number of such employees among them belonging to Scheduled Castes and Scheduled Tribes?

The Minister of Education (Dr. K. L. Shrivastava): (a) and (b) A statement is laid on the Table of the Lok Sabha [See Appendix IV, annexure No 66]

Corruption among Policemen

2068 Shri D. C. Sharma: Will the Minister of Home Affairs be pleased to state

(a) the number of policemen serving under the Central Government who were arrested and convicted on charges of corruption during the period from July 1958 to February 1959, and

(b) the number of policemen who were given rewards for rendering meritorious service during the same period?

The Minister of Home Affairs (Shri G. B. Pant): (a)

Arrested	11
Convicted (from July 1958 to 31st January 1959)	None
(b) 5399	(Do)

Daulatabad Fort

2069 Shri Pangarkar: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) the amount spent on the maintenance of the Daulatabad Fort during 1958-59; and

(b) the amount proposed to be spent during 1959-60?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Rs 503 (Upto December, 1958)

(b) Rs 5,000 subject to funds being voted by Parliament

Excavations in Nander District

2070 Shri Pangarkar: Will the Minister of Scientific Research and Cultural Affairs be pleased to state

(a) whether any excavations were recently carried out in Nander District of Marathwada Region of Bombay, and

(b) if so, with what result?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir

(b) Does not arise

Concession to Scheduled Castes and Scheduled Tribes and other Backward Classes

2071 Shri A. K. Gopalan: Will the Minister of Home Affairs be pleased to state the amount of Central subsidy or grant given to each of the State Governments during 1958-59 so far for giving Scheduled Castes, Scheduled Tribes and Other Backward Classes students, the following concessions

- (i) Fee concession,
- (ii) Scholarship payment,
- (iii) Money for purchase of books,
- (iv) Hostel accommodation and concession in hostel rates, and
- (v) Subsistence allowance or any other such concessions?

The Deputy Minister of Home Affairs (Shrimati Aiba): A statement showing the Central assistance proposed to be given to the State Governments during the current financial year for the group 'Educational Schemes' which mostly comprises of

the five items mentioned by the Member, is laid on the Table of the House. [See Appendix IV, annexure No.67.]

It is not possible to furnish the amounts of Central assistance for the five items separately as such a break-up has not been furnished by the State Governments while asking for final payment of grants.

Reorganisation of Ordnance Factories

2672. Shri Hem Raj: Will the Minister of Defence be pleased to state:

(a) the net savings that have been made by the reorganisation of the Ordnance Factories in 1958;

(b) the total amount of labour force employed in them;

(c) the number that is usefully employed and the number that remains idle; and

(d) the steps taken by Government to utilise this idle labour force?

The Deputy Minister of Defence (Shri Raghuramiah): (a) There has been no "reorganisation" of structures in the Ordnance Factories. The output of the Ordnance Factories was considerably greater and saving is as in relation to that increased output and the existing resources of plant and manpower and the almost full employment of labour.

(b) 43,016 as on 31-1-1959

(c) (i) The number usefully employed as on 31-1-1959 42,754

(ii) Occasionally labour is rendered idle for short periods due to break down of machinery, temporary shortage of materials, etc., and such idle labour is utilized on alternative jobs as far as possible. Presumably the information is not sought in respect of such labourers as are rendered idle temporarily, but in respect of unabsorbed surplus labourers. The number of such unabsorbed surplus labourers was 262 on 31-1-1959.

(d) Constant watch is being maintained on the position of any sur-

pluses in the Factories. While due to varying load position in the factories, surpluses at some period or the other cannot altogether be eliminated, every effort is being made and will be maintained to use the available labour force gainfully.

Ferro-manganese

2673. Shri Panigrahi: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) what is the total quantity of ferro-manganese produced in India in 1958-59 so far;

(b) how much of this quantity has been exported;

(c) how much of this quantity has been consumed in the country; and

(d) what was the stock held by the producers by the end of 1958?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Estimated production is about 55000 to 56000 tons.

(b) Export during the period from April to November 1958 was about 8750 tons; figures for subsequent months are not available yet.

(c) Estimated internal demand is about 30000 to 35000 tons.

(d) Stock as on the 31st December, 1958 is estimated at about 28,000 tons.

Coal Supply

2674. Shri Ram Saran: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that during June-December, 1958, State Governments' Departments were either refused permits or made short supplies against their requirements by State Collieries and they had to purchase from private collieries when National Coal Development Corporation (Private) Limited agreed to sell coal of State Collieries to M/s. Kanoria Coal Company;

(b) whether it is a fact that the coal released to the company was sold at open market rates to brick-kiln owners and other consumers; and

(c) whether any restrictions were imposed by Coal Controller for use or resale of the coal thus released to M/s. Kanoria Coal Company?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) The demands of the State Governments for meeting their requirements of brick burning coal were accepted by the National Coal Development Corporation (Private) Ltd., and programmed on the State Collieries. No demand was refused during the period under reference. The Uttar Pradesh Government, however, decided to draw only 50 per cent of their requirements on their own account, although the full quantity had been agreed to by the Corporation. The coal sold to M/s. Kanoria Coal Company was out of surplus stocks available with the State Collieries.

(b) The Government of India have no information. Sanctions were issued by the Coal Controller in favour of M/s. Kanoria Coal Company in accordance with the recommendations of and the permits issued by the Provincial Iron & Steel Controller, Uttar Pradesh, Kanpur. The disposal of coal on its arrival at destination points within the State is done by the State Government.

(c) No.

Central Public Health Engineering Research Institute, Nagpur

2875. Pandit J. P. Jyotishi: Will the Minister of Scientific Research and Cultural Affairs be pleased to state what is the estimated cost of the Central Public Health Engineering Research Institute to be established at Nagpur?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): No complete estimate of cost of the Central Public Health Engineering Research Institute has

been prepared. According to the plan approved by the Governing Body of the Council of Scientific and Industrial Research it is estimated that the Institute will cost Rs. 31.00 lakhs in capital expenditure and Rs. 28.235 lakhs in recurring expenditure over a three year period ending with the Second Five Year Plan.

राज्यों में साक्षरता

२०७६. श्री कुलबकर्त राय : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि देश के विभिन्न राज्यों में कितने प्रतिशत साक्षरता है ?

शिक्षा मंत्री (डा० का० ला० जोषाजी) : नवीनतम सूचना एकत्र की जा रही है और प्राप्त होने पर सभा पटल पर रख दी जायेगी ।

Punjab State Youth Welfare Board

2877. Shri Daljit Singh: Will the Minister of Education be pleased to state:

(a) whether the Central Government has offered any grant to the Punjab State Youth Welfare Board for the year 1959-60;

(b) if so, the amount thereof; and

(c) the nature of projects proposed to be undertaken by the State Youth Welfare Board with the Central grants?

The Minister of Education (Dr. K. L. Shrimall): (a) No, Sir.

(b) and (c). Do not arise.

Evening Colleges in Delhi

2878. Shri Jinachandran: Will the Minister of Education be pleased to refer to the reply given to Unstarred Question No. 643 on the 20th February, 1959 and state:

(a) the names of Universities to which the evening colleges in Delhi are affiliated; and

(b) what is the percentage of students attending these colleges, who are employed?

The Minister of Education (Dr. K. L. Shrimani): (a) Delhi and Punjab Universities.

(b) 100 per cent.

Rural Institutes

2879. Shri Jinschandran: Will the Minister of Education be pleased to state:

(a) the number of Rural Institutes for imparting Rural Higher Education already established in India and their location;

(b) how many of these are directly run by Government and how many by private agencies; and

(c) what are the special features of these Institutes and on what basis such Institutes are opened in various localities?

The Minister of Education (Dr. K. L. Shrimani): (a) to (c) A statement is placed on the Table [See Appendix IV, annexure No 68]

ICS Officers

2880. Shri Dinesh Singh: Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 1217 on the 12th March, 1958 and state the present position regarding:

(a) the number of ICS Officers in the Service of Government of India;

(b) the number among them working under the Ministry of External Affairs,

(c) how many of them have opted for IFS; and

(d) the number among them serving abroad on posts borne by Ministries other than the Ministry of External Affairs?

The Minister of State in the Ministry of Home Affairs (Shri Datar): (a) 142 (this includes 18 officers serving under autonomous Corporations).

(b) 31.

(c) 26

(d) 5.

Foreigners in Government Employment

2881. Shri Dinesh Singh: Will the Minister of Home Affairs be pleased to lay on the Table an up-to-date statement showing the number of foreigners employed by the Government of India in each of the Ministries and Departments in India and the names of the countries to which they belong?

The Minister of State in the Ministry of Home Affairs (Shri Datar): The information will be collected and laid on the Table of the House as early as possible

Manufacture of Arms and Ammunition for Civilian Use

2882. Shri Dinesh Singh: Will the Minister of Defence be pleased to refer to the reply given to Unstarred Question No 2088 on the 18th December, 1958 and state

(a) the names of existing units manufacturing arms and ammunition for civilian use in the private sector, who have already been granted licences for such manufacture;

(b) what are the goods manufactured by each of them,

(c) whether any shot gun or rifle cartridges for civilian use are being actually manufactured in the country apart from being refilled, and

(d) if so, the names of companies or units manufacturing them and their annual production?

The Deputy Minister of Defence (Shri Raghuramalak): (a) and (b). The requisite information is not readily available. It will have to be collected from the State Governments who are the licensing and administrative authorities in this matter.

(c) and (d) Yes, in Ordnance Factories only. The present programmed production of shot gun cartridges is 8 lakhs rounds per year. This can be increased to 80 lakhs in due course provided there is a market demand. A certain quantity of 315" cartridges has also been produced

Steel Plant in Andhra Pradesh

2083 Shri Rami Reddy: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether the Andhra Pradesh Government have made representations to the Government of India for locating a steel plant in Andhra Pradesh, and

(b) the action taken by Government in the matter?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir. A representation was received in 1956.

(b) The State Government were informed that the possibility of setting up of a steel plant in the State would be borne in mind in considering the location of one of the future plants besides the fourth steel plant at Bokaro

Educational Grants to Orissa for 1959-60

2084 Shri Panigrahi: Will the Minister of Education be pleased to refer to the reply given to Starred Question No. 778 on the 2nd March, 1959 and state:

(a) what is the finalised programme of educational schemes for 1959-60 for Orissa which has been received by the Government of India;

(b) what amount of assistance the Orissa Government has sought from the Centre for this programme (scheme-wise);

(c) the amount of assistance the Central Government has sanctioned;

(d) whether all the schemes sent by Orissa Government have been approved; and

(e) if not, the schemes which have been approved?

The Minister of Education (Dr. K. L. Shrivastava): (a) and (b) A copy of the Programme giving scheme-wise information regarding outlay and estimated Central assistance for 1959-60, received from the State Government, is placed on the Table of the House. [See Appendix IV, annexure No. 69].

(c) No financial sanction for 1959-60 Programme has been issued. According to the new procedure three-fourths of the estimated Central assistance will be released in the form of Ways and Means advances in nine equal monthly instalments. The amount so released will be adjusted against the payment sanctions to be issued in March, 1960.

(d) and (e) Yes Sir, except scheme at Serial No 18 of the statement, as the main scheme has not been finalised.

Books on Crimes

2085 Shri N. M. Deb: Will the Minister of Home Affairs be pleased to state what facilities are given to Central Government officials specially in Police Department who write books on crimes in addition to their regular duties?

The Minister of Home Affairs (Shri G. B. Pant): Any request for special facilities is considered on merits.

Allowances to Ministers

2086 Shri Ram Krishan Gupta: Will the Minister of Home Affairs be pleased to state:

(a) the total amount spent by way of facilities and allowances on Central Ministers and Deputy Ministers during 1958-59 so far; and

(b) the nature of the steps taken in 1958 or proposed to be taken in 1959 to curtail such expenditure?

The Minister of Home Affairs (Shri G. B. Pant): (a) Exclusive of

salary, the total amount booked from 1st April, 1958 upto November, 1958 was Rs. 7,44,039/-. This does not cover expenditure on medical facilities which cannot be worked out.

(b) The implied assumption that the expenditure is excessive is not correct.

Multi-Storeyed Building at Bombay

2067. Shri Osman Ali Khan: Will the Minister of Finance be pleased to state:

(a) whether it is a fact, that a multi-storeyed building has been built for Class II officers of the Income-tax department at Bombay, without the lifts having been provided; and

(b) if so, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) and (b). Two seven-storeyed blocks with 28 flats in each block have been constructed for Income-tax Officers in Bombay. There was provision for installation of one lift in each of the blocks when construction was planned. The installation of the lifts is expected to be completed shortly.

Research Branch under the Survey of India

2068. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to lay a statement on the Table showing:

(a) whether a Research Branch exists under the Survey of India at Dehra Dun;

(b) if so, its functions;

(c) the number of subjects with their names on which research has so far been completed;

(d) the number of subjects on which research is likely to be completed

during the Second Five Year Plan period; and

(e) the amount spent on the working of this Branch during 1957-58 and 1958-59 so far?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). Yes, Sir. The Survey of India has a Geodetic and Research Branch at Dehra Dun. Its function is to carry out geodetic surveys and connected research.

(c) and (d). Research work is carried out *pari passu* with productive work in the field of geodesy and control surveys. This research is a continuous process and is not related to any plan period. A statement showing the subjects in which the research work (i) has so far been undertaken and (ii) is proposed to be undertaken during the remaining period of the Second Plan is laid on the Table of the House. [See Appendix IV, annexure No. 70.]

(e) 1957-58 Rs. 8,14,070.
1958-59 (till February 28th 1959)
Rs. 9, 38,300.

Survey of India

2069. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state the total number of Class IV, Class III, Class II and Class I employees of the Survey of India and their respective wage bills separately?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das):

	Number of Employees	Monthly Wage Bill
		Rs.
Class IV		
(a) Regular	1799	1,56,816
(b) Contingent	3030	2,16,284
Class III	2543	4,30,295
Class II	106	55,433
Class I	85	91,778

Survey of India Air Survey and Training Estate, Dehra Dun

2890. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether no pucca road and lighting arrangements exist in Air Survey and Training Directorate Estate, Survey of India, Karanpur, Dehra Dun;

(b) if so, whether any plan has been chalked out for such construction work;

(c) the amounts sanctioned; and

(d) whether work is likely to start in 1959?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) All the roads in the Estate with the exception of one approach road are pucca. There are, however, no road lights in the Estate.

(b) and (c). Plans for electrification of the roads are being formulated. Funds will be allotted after the estimates are approved.

(d) Yes, Sir.

Indebtedness Among Class III and IV Survey of India Employees

2891. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any survey has been made as to the indebtedness of the Class III and Class IV employees of Survey of India; and

(b) if so, the result thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

Class III and IV Survey of India Employees

2892. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any rule exists for declaring Class III and Class IV employees under the Survey of India as permanent;

(b) if so, what are those rules;

(c) total number of employees in Class III and Class IV having ten years, five years and three years of service at their credit, who have not been declared permanent upto 1st January, 1959; and

(d) the number of employees likely to be made permanent in 1959?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) Temporary Class III and Class IV employees of the Survey of India become eligible for transfer to permanent establishment after they have put in a specified number of years of service in their respective grades in accordance with the terms and conditions of their service as laid down in Circular Orders No. 435 (Adm.), 436 (Adm.), 437 (Adm.) and 438 (Adm.), copies of which have been placed in the Parliament Library. As and when vacancies in the permanent posts occur, eligible persons are declared permanent provided their work and conduct have been satisfactory.

(c)

	No. of employees with 10 years service	No. of employees with 5 years service	No. of employees with 3 years service
Class III	13	72	465
Class IV	306	207	175
(d) Class III	28		
Class IV	128		

Grant of Increments to Survey of India Employees

2093. Shri S. M. Banerjee: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether dates of increments of Survey of India employees have been made uniform from 1st January for administrative convenience;

(b) if so, whether it was done in pursuance of any order of Government of India;

(c) the number of employees who have suffered financially as a result of this measure;

(d) the amount of financial loss in each case; and

(e) the steps proposed to be taken in the matter?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) and (b). No, Sir. The periodical time scale increments of the employees of the Survey of India Department are sanctioned from the dates on which they fall due, except in the case of Class III Division II Technical personnel, where initial classification and subsequent grade promotions are made with effect from 1st January and therefore the consequential increments take effect normally from that date in accordance with the provisions of Circular Order No. 435 (Adm.), copies of which have been placed in the Parliament Library.

(c) None.

(d) and (e). Do not arise.

Strength of Officers in the Central Secretariat.

2094. Shri Harish Chandra Mathur: Will the Minister of Home Affairs be pleased to state:

(a) the assessed requirement of Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries in the years 1959-60 and 1960-61; and
410 (A) L.S.D.—3.

(b) the number of the above officers employed on (i) field work and in (ii) Secretariat in the year 1947 and at present?

The Minister of State in the Ministry of Home Affairs (Shri Datar):

(a) Requirements of officers mentioned in part (a) may arise out of

(i) retirements;

(ii) reversion of officers to their parent cadres; and

(iii) creation of new posts.

As assessment of the requirements arising out of (i) and (ii) above during the periods 1959-60 and 1960-61 is given in the statement laid on the Table. [See Appendix IV, annexure No. 71.] It is not possible to furnish any definite information regarding the requirements arising out of category (iii) above

(b) No officer of the categories mentioned in (a) above is employed on field work. The number of such officers employed in the Secretariat in 1947 and 1959 is given in the statement laid on the Table. [See Appendix IV, annexure No. 71.]

Thefts in Steel Plants

2095. Shri Morarka: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that some cases of thefts have been reported in the steel plants recently;

(b) if so, the details of such thefts and the names of the plants where they have been committed; and

(c) the amount involved and action taken in the matter?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House [See Appendix IV, annexure No. 72.]

Appellate Assistant Commissioners

2096. **Shri Morarka:** Will the Minister of Finance be pleased to state:

(a) whether any statistics are kept showing the number of cases in which the orders of the Appellate Assistant Commissioner are changed by the Income-Tax Tribunal;

(b) if so, whether the same for the last three years would be laid on the Table; and

(c) the action, if any, taken against the Appellate Assistant Commissioners whose orders are changed most?

The Minister of Finance (Shri Morarji Desai): (a) and (b). Yes, a statement showing statistics of cases in which orders of Appellate Assistant Commissioners were changed by the Income-Tax Tribunal for the last three years is laid on the Table of the House. [See Appendix IV, annexure No. 73.]

(c) Unless there is reason to believe that the Appellate Assistant Commissioners' orders are *malafide*, no action can be taken simply because a higher appellate authority has varied their orders. However, all orders passed by the Income-Tax Tribunal are reviewed and in assessing the overall performance of an Appellate Assistant Commissioner, due note is taken of the information thrown out by the Income-Tax Tribunal's orders.

Department of Archaeology, Orissa

2097. **Shri Panigrahi:** Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether the Central Government has given any assistance to Orissa in 1958-59 so far for development of the Department of Archaeology; and

(b) if so, how much?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

Courtesy Police in Delhi

2098. **Shri Ram Krishan Gupta:** Will the Minister of Home Affairs be pleased to state:

(a) whether there is any proposal to have courtesy police in Delhi; and

(b) if so, details thereof?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). There is no proposal for any special courtesy police. It is necessary for all ranks of the police to be courteous.

Inter-State Taxation Council

2099. { **Shri Ram Krishan Gupta:**
Pandit D. N. Tiwary:

Will the Minister of Finance be pleased to state at what stage is the proposal to set up an Inter-State Taxation Council?

The Minister of Finance (Shri Morarji Desai): As the National Development Council serves the purpose for which an Inter-State Taxation Council was recommended by the Taxation Enquiry Commission, it has been considered unnecessary to set up a separate body.

American Educationists

2100. **Shri Jhulan Sinha:** Will the Minister of Education be pleased to state:

(a) whether the visit of the team of American educationists to the three Indian Universities of Aligarh, Andhra and Mysore was sponsored by the Government of India;

(b) if so, whether the team has submitted any report; and

(c) the action taken thereon?

The Minister of Education (Dr. K. L. Shrimani): (a) The Government sponsored the visit of four American educationists under the India Wheat Loan Educational Exchange Programme in July, 1958. One educationist

each was assigned to the Universities of Aligarh, Andhra, Mysore and Sri Venkateswara to advise them on the broader aspects of the introduction of General Education courses in them.

(b) No, Sir.

(c) Does not arise.

दिल्ली में अपराध

२१०१. श्री विमल निबि : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली में विभिन्न प्रकार के अपराधों का पता लगाने के लिये कोई नयी व्यवस्था की जा रही है ; और

(ख) यदि हां, तो उसका स्वरूप क्या है ?

गृह-कार्य मंत्री (श्री मो० बा० पट्ट) :

(क) जी नहीं ।

(ख) सवाल नहीं उठता ।

Accident in Rourkela Steel Plant

2102. Shri Aurobindo Ghosal: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether there was any accident due to collapse of a wall in the laboratory under construction in Rourkela Steel Plant in January, 1959; and

(b) if so, the reasons therefor and the persons affected?

The Minister of Steel, Mines and Fuel (Sardar Swarnam Singh): (a) and (b). On the 7th of January, 1959 at about 5-30 P.M. there was an accident due to collapse of a wall of the Material Testing Laboratory building now under construction at the plant site. The Committee constituted to enquire into the causes of accident have expressed the view, that in as much as the shutterings and scaffoldings were according to standard practice and strong enough, the accident was purely

circumstantial. The accident proved fatal to 3 masons and 2 helpers. The contractors concerned have already reported the accident to the Commissioner for workmen compensation.

Conference of Old Revolutionaries

2103. Shri Aurobindo Ghosal: Will the Minister of Home Affairs be pleased to state:

(a) whether Government had allotted any money for the Conference of the Old Revolutionaries held in Delhi in the month of December, 1958; and

(b) if not, the reasons therefor?

The Minister of Home Affairs (Shri G. B. Pant): (a) Assistance was given out of the Home Minister's Discretionary grant.

(b) Does not arise.

Price of Telco Trucks

2104. Shri Aurobindo Ghosal: Will the Minister of Defence be pleased to state:

(a) whether Government are going to institute any enquiry into the attitude of Telcos in fixing the price of military trucks as stated by the Deputy Minister of Defence in the House on the 5th December, 1958; and

(b) if not, the reasons therefor?

The Deputy Minister of Defence (Shri Raghuramiah): (a) and (b). It is not intended to institute any enquiry into the attitude of M/s TELCOs in putting up the price of military trucks as no orders for such trucks are pending with them.

Basic Training College, Tripura

2105. Shri Bangshi Thakur: Will the Minister of Education be pleased to state:

(a) whether it is a fact that a proposal seeking the order of the Government of India for purchasing land and building, which is under the possession of the Tripura Administration

on rental basis and is being used as Basic Training College has been submitted by the Education Directorate, Tripura; and

(b) if so, the action taken thereon?

The Minister of Education (Dr. K. L. Shrimall): (a) and (b). The Tripura Administration approached the Government of India for allotment of necessary funds for this purpose during the current year and the same have since been made available.

हिमाचल प्रदेश में अध्यापक

२१०६. { श्री पद्म देव :
श्री स० चं० सामन्त :

क्या शिक्षा मंत्री यह बताने की कृपा करेगे कि

(क) १९५८ में हिमाचल प्रदेश में कितने अध्यापकों को एक स्कूल से दूसरे स्कूल में स्थानान्तरित किया गया,

(ख) इन अध्यापकों को यात्रा भत्ता देने पर कितना व्यय हुआ ; और

(ग) क्या यह सच है कि प्राइमरी स्कूल के बहुत से अध्यापकों को ऐसे स्थानों पर स्थानान्तरित किया गया जो १५० मील की दूरी पर थे ?

शिक्षा मंत्री (डा० का० सा० श्रीमाली) :

(क) से (ग) सूचना एकत्र की जा रही है और यथासमय लोक सभा-घटन पर रख दी जायेगी ।

हिमाचल प्रदेश में स्कूलों के अध्यापक

२१०७. { श्री पद्म देव :
श्री स० चं० सामन्त :

क्या शिक्षा मंत्री यह बताने की कृपा करेगे कि

(क) क्या यह सच है कि हिमाचल प्रदेश में स्कूलों के अध्यापकों की आचरण और सेवा सम्बन्धी पुस्तिकाएँ नहीं मिल सकीं ;

(ख) क्या यह भी सच है कि कई एस० टी० अध्यापकों का वेतन कम जब तक निश्चित नहीं किया गया है ; और

(ग) यदि उपरोक्त भाग (क) और (ख) का उत्तर हाँ में हो, तो इस विषय में क्या कार्यवाही करने का विचार है ?

शिक्षा मंत्री (डा० का० सा० श्रीमाली) :

(क) से (ग) . सूचना एकत्र की जा रही है और यथासमय लोक सभा-घटन पर रख दी जायेगी ।

सैनिक

२१०८ श्री पद्म देव . क्या प्रति-रक्षा मंत्री यह बताने की कृपा करेगे कि जिन सैनिकों को विदेश में भेजा भारत के सीमा प्रदेशों में आवश्यक कार्यों पर लगाया जाता है उन के आश्रितों को सरकार किस प्रकार की सहायता देती है ?

प्रति-रक्षा मंत्री (श्री कृष्ण मेनन) . जब परिवारों को सैनिक सेविवर्ग के साथ जाने की इजाजत नहीं होती, उन्हें प्रायः या तो सैनिकों के अंतिम सेवास्थानों पर मिले सरकारी मकानों में रहने दिया जाता है, या भारत में उनके पसन्द किये स्थानों पर सरकारी खर्च पर भेज दिया जाता है । रुपया पैसा भेजने की सुविधा दी जाती है कि बिना किसी झगड़ के परिवारों को गुजारे के लिये पैसा पहुँचता रहे । कुछ अपवादों को छोड़ कर उन्हें सैनिक कटीनो से सामान खरीदने की भी सुविधा दी जाती है । डिस्ट्रिक्ट और स्टेट सोलजर्स, सेलर्ज और एयरमेन्स बोर्डों से जिस मामले में वह चाहें सलाह भी ले सकते हैं ।

जम्मू काश्मीर या जनरल आफिसर कमांडिंग घासाम के अधीन पूर्वीय सीमा क्षेत्र में काम कर रहे सैनिक वर्ग की मृत्यु पर उनकी विधवाओं को साधारण पेन्शन के अलावा,

कुछ हफ्तों में कुछ उपदान भी दिया जाता है। हिन्दू चीन में सेवा कर रहे सैनिक सेविशर्न के लिये एक बीमा योजना बनाने की गई है जिसके अधीन उनके अर्थात् २०,००० से एक लाख रुपये तक का एक मुक्त अनुदान पाने के योग्य हो सकते हैं।

Stores for Bhilai Steel Plant

2109. Shri Hem Raj: Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether it is a fact that some thirty lakh worth of stores were purchased some months back for the Bhilai Steel Plant;

(b) whether it is also a fact that a good amount was embezzled out of them; and

(c) if so, the action taken in the matter?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a) Yes, Sir.

(b) and (c). Some complaints in respect of a few of these transactions have been received and are under investigation.

Central Fuel Research Institute

2110. { Shri Subodh Hansda:
Shri S. C. Samanta:
Shri Ajit Singh Sarhadi:

Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether it is a fact that the Central Fuel Research Institute has evolved a new process for the manufacture of fertilizer from coal and lignite;

(b) whether this new fertilizer has been experimented upon in any part of the country;

(c) if so, the results obtained; and

(d) whether this can be used extensively without any soil test?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir. The Central Fuel Research Institute has worked out two processes.

(b) Experiments have been carried out only on a small plot of ground at the Institute.

(c) and (d). Positive results could be obtained and assessed only when large scale trials are carried out.

Naga Rebels

2111. Shri Raghunath Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that fire was exchanged between Indian Armed Police and the Naga rebels in a village of Manipur on the 22nd January, 1959; and

(b) if so, the details of the incident?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). On the 22nd January, 1959, a small police patrol party, which had gone to village MONGJONG KHULLEN in Tamenglong sub-division, had an encounter with some Naga hostile in olive green uniform and armed with rifles and sten guns, who suddenly entered the village by a bridle path. The police had to open fire and the hostiles escaped into the thick jungles leaving behind two rifles and some ammunition. There were no casualties on either side.

भारत सरकार की छात्रवृत्तियाँ

२११२. श्री रघुनाथ सिंह :
क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) १९४८ से अब तक भारत सरकार की छात्रवृत्तियों पर कितने भारतीयों ने शिक्षा और प्रशिक्षण प्राप्त किया और अब भारत में काम कर रहे हैं ; और

(क) उन में से कितने विदेशों में रहने प्रयत्न करने में सफल हुए और कितने नौकरी कर रहे हैं प्रयत्न स्वतंत्र रूप से अपना कारोबार चला रहे हैं ?

शिक्षा मंत्री (डा० का० ला० श्रीवास्तव) :
(क) और (ख). सूचना एकत्र की जा रही है।

Raygad Fort

2113. Shri Amar: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether Raygad Fort in the district of Kolaba (Bombay State) is under the management of the Central Archaeological Department;

(b) if so, the amount sanctioned by Government for its maintenance during 1957-58 and 1958-59;

(c) whether Government have any scheme to develop the fort as a tourist centre; and

(d) if so, the details thereof?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) Yes, Sir.

(b) 1957-58. Rs. 911.
1958-59. Rs. 6,940.

(c) The Union Department of Archaeology has no such scheme.

(d) Does not arise.

Central Excise Collectorate, Mysore

2114 { Shri D. A. Katti;
Shri Manay:

Will the Minister of Finance be pleased to state:

(a) what was the collection of gleaned tobacco in the Belgum Division of Mysore Collectorate of Central Excise where Mahar concession licences are issued, from 1944 to 1958; and

(b) if there has been any fall, the reasons therefor?

The Minister of Finance (Shri Morarji Desai): (a) The information regarding the quantity of tobacco gleaned by the Mahar Concession Licensees in the Belgum Division of Mysore Collectorate available with the Government, is as follows—

Year	Quantity in lbs. (nearest thousand)
1954 . . .	6,60,000
1955 . . .	2,69,000
1956 . . .	1,10,000
1957 . . .	1,19,000
1958 . . .	1,06,000

The Departmental records relating to the earlier years which were ripe for destruction have been destroyed.

(b) The fall noticed in the recent years is reported to have been due to the following reasons—

(i) Progressive fall in tobacco acreage in the Belgum Division from 52,000 acres in 1954 to 34,000 acres in 1959.

(ii) Due to fall in acreage, the growers utilising even inferior tobacco most of which they were discarding earlier, thereby leaving lesser and lesser quantity for the Mahars.

(iii) Greater vigilance by growers over the activities of Mahars who also pilfered good quality tobacco leaves.

Small Savings Scheme

2115. { Shri Warier;
Shri Kodiyar:

Will the Minister of Finance be pleased to state how much amount in the Small Savings Scheme has been collected by way of transfer from either reserve or deposit amounts of banks and such other financial institutions during the Second Five Year Plan period so far?

The Minister of Finance (Shri Morarji Desai): As the investors are

not required to divulge the source from which the investments are made by them, it is not possible to supply the information asked for.

Adivasis in Orissa

2116. Shri Sanganua: Will the Minister of Scientific Research and Cultural Affairs be pleased to state:

(a) whether any committee has been constituted by the Central Government to make an anthropological survey and study of the Adivasis of Orissa;

(b) if so, whether that committee has toured Orissa in the latter part of 1958; and

(c) if so, with what results?

The Deputy Minister of Scientific Research and Cultural Affairs (Dr. M. M. Das): (a) No. sir.

(b) and (c) Do not arise.

विदेशी भोजन एवं प्रतिनिधि-मण्डलों पर
व्याप को गई विदेशी मुद्रा

२११७. श्री विजयसिंह मिश्र क्या बिल
सूची यह बताने की कृपा करेंगे कि वर्ष १९५५
से १९५८ तक मंत्र सरकार और राज्यो द्वारा
भेजे गये और गैर-सरकारी प्रतिनिधि-मण्डलों
पर कितनी विदेशी मुद्रा व्यय की गई ?

बिल मंत्री (श्री मोरारजी देसाई):
विदेशी मुद्रा नियंत्रण (एकनॉज कन्ट्रोल)
कं बारे में जो प्राकट्य मौजूद है, उनसे यह
पता चलता है कि कितने कामों के लिये कितनी
विदेशी मुद्रा दी गई है। उनसे यह पता नहीं
चलता कि केन्द्र या राज्य सरकारों की ओर से
या गैर-सरकारी तौर पर दूसरे देशों को
भेजे जाने वाले प्रतिनिधि-मण्डलों पर प्रत्यक्ष
कितनी विदेशी मुद्रा खर्च हुई। भारतीय
रिजर्व बैंक द्वारा रले जाने वाले प्राकट्यों
के अनुसार १९५५ से १९५८ (नवम्बर)
तक के वर्षों में "सरकारी काम" के लिये
५८. ३६ लाख रुपये की विदेशी मुद्रा दी गयी।

Prosecutions under the Untouchability (Offences) Act

2118. { Shri Dajit Singh:
Shri Korathar:

Will the Minister of Home Affairs be pleased to state:

(a) the number of persons prosecuted under the Untouchability (Offences) Act during 1958; and

(b) the number of persons convicted?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). The State Governments are responsible for enforcing the provisions of the Untouchability (Offences) Act, 1955. They have, however, been requested to furnish periodic returns on the working of the Act, Consolidated statement for the year 1958 is laid on the Table of the House. [See Appendix IV, annexure No. 74.]

Cheating cases in Cut-Piece Trade in Delhi

2119. { Shri Goray:
Shri Jadhav:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No. 191 on the 12th February, 1959 and state:

(a) the number of cases of cheating and fraud in the cut-piece trade in Delhi registered by the police during the years 1957 and 1958; and

(b) the modus operandi of these cheats?

The Minister of Home Affairs (Shri G. B. Pant): (a) 1957 15
1958 9

(b) It is reported that in the cut-piece trade, cloth is sold by weight and not by length. Mal-practices are resorted to in the process of weighing etc.

Settlers in Andaman and Nicobar Islands

2120. Shri Ajit Singh Sarhadi: Will the Minister of Home Affairs be pleased to state:

(a) the number of families settled in the Andaman and Nicobar Islands upto the end of 1958; and

(b) the States to which such families belong?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) 22,93 families,

(b) State-wise break up of families is as follows:—

West Bengal	2,147
Kerala	125
Madras	12
Burma Evacuees	5
Mahe (Pondicherry)	4
TOTAL	2,293

Expenditure by Ministry of Home Affairs

2121. Shri Rajendra Singh: Will the Minister of Home Affairs be pleased to state:

(a) whether the sum budgeted for 1958-59 under demand 65 sub-head A 2(1)(4) has since been disbursed; and

(b) if so, the details of the items on which the said amount was spent?

The Minister of Home Affairs (Shri G. B. Pant): (a) and (b). A statement showing the total amount disbursed and the details thereof is laid on the Table of the House. [See Appendix IV, annexure No 75]

Canteen Karamchhari Union

2122. Shrimati Sucheta Kripalani: Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that the Canteen Karamchhari Union has complained about the non-enforcement of the provisions of the Delhi Shops and Establishments Act to the Central

Secretariat Canteens in South Block (New Delhi) run departmentally by the Ministry of Home Affairs; and

(b) if so, action proposed to be taken in the matters?

The Deputy Minister of Home Affairs (Shrimati Alva): (a) Certain representations have been received from the employees of the Canteens regarding the terms and conditions of their appointment, hours of work, overtime allowance, bonus, setting up of provident fund etc.

(b) The employees are already getting overtime allowance. The canteens are being reorganised and the existing rules etc., will be revised taking into account the representations already received.

Tribal Welfare

2123. { Shri Ignacio Beck:
Shri S. C. Godsora:

Will the Minister of Home Affairs be pleased to refer to the reply given to Unstarred Question No 801 on the 10th December, 1958 and state the nature of action taken by the State Governments/Union Territories on the recommendation of the Central Advisory Board for Tribal welfare?

The Deputy Minister of Home Affairs (Shrimati Alva): A statement showing the information on the recommendation in question received so far from the State Government/Union Territories, is laid on the Table of the House. [See Appendix IV, annexure No 76.]

Banking Companies Act, 1949

2124. Shri Maniyangadan: Will the Minister of Finance be pleased to state:

(a) the number of banks from the Travancore-Cochin area of Kerala State which applied to the Reserve Bank of India for licence since the coming into force of the Banking Companies Act, 1949; and

(b) the number of licences issued and the number of applications that have been rejected?

The Minister of Finance (Shri Morarji Desai): (a) 167.

(b) Licences have been issued to 4 but refused to 27 of these banks. 30 banks have converted themselves into non-banking companies or gone into liquidation or have otherwise ceased to function. The applications of the remaining 106 banks are still under consideration.

Basic College at Kakraban in Tripura

2125. Shri Dasaratha Deb: Will the Minister of Education be pleased to state:

(a) whether it is a fact that a second Basic College has been started in Tripura at Kakraban;

(b) if so, from which financial year has money been allocated and spent for staff and equipments for it,

(c) what is the present strength of this training college;

(d) how many lecturers have been appointed for this college up to date; and

(e) when they were appointed?

The Minister of Education (Dr. K. L. Shrimall): (a) to (e). A statement is laid on the Table of the Lok Sabha.

STATEMENT

(a) It has been sanctioned but has not started functioning yet.

(b) Equipment from the financial year 1957-58, staff and equipment from the financial year 1958-59.

(c) Nil.

(d) Three lecturers.

(e) On 3-9-1958, 3-1-1959 and 16-2-1959 respectively.

Life Insurance Corporation

**2126. { Shri Anirudh Sinha:
Shrimati Ila Palchoudhuri:**

Will the Minister of Finance be pleased to state:

(a) whether it is a fact that the Life Insurance Corporation has formulated a five year plan for its business expansion; and

(b) if so, the details thereof?

The Minister of Finance (Shri Morarji Desai): (a) Yes, Sir. A tentative plan has been prepared.

(b) The Corporation proposes to expand the new business production to Rs 1,000 crores per annum in five years' time by progressive steps, the targets for each of the five years being

Year	Rs. in crores.
1959	415
1960	525
1961	665
1962	820
1963	1000

English-Medium Schools

2127. Shri Jadhav: Will the Minister of Education be pleased to state:

(a) the number of English-medium schools in each Union Territory;

(b) whether it is a fact that there is a big demand for English-medium schools in Delhi;

(c) what was the number of such schools in Delhi in the year 1946-47;

(d) the break up of students of both sexes in such schools in Delhi; and

(e) what is the monthly fee in such schools in Delhi?

The Minister of Education (Dr. K. L. Shrimall): (a), (c), (d) and (e). The required information is being collected and will be laid on the Table of the Lok Sabha in due course.

(b) No survey has been made to ascertain whether there is a big demand for English-medium schools

in Delhi but judging from the fact that the English-medium schools in Delhi are overcrowded and maintain large waiting lists of admission seekers, these schools continue to be in great demand.

Central Excise Collectorate, Mysore

2128. { Shri D. A. Katti:
Shri Dige:
Shri Balasahob Salunke:

Will the Minister of Finance be pleased to state:

(a) what is the total number of Scheduled Caste Employees in the Central Excise Collectorate, Mysore;

(b) whether the percentage reserved for the Scheduled Castes is maintained;

(c) if not, what is the percentage of such employees grade-wise;

(d) what is the reason for the non-fulfilment of the reserved quota?

The Minister of Finance (Shri Morarji Desai): (a) The total number of Scheduled Caste Employees in the Central Excise Collectorate, Mysore is 68.

(b) No, Sir. It has not been possible to maintain the prescribed percentage in the reserved vacancies.

(c) The percentage of Scheduled Caste Employees in grades which are open to direct recruitment (i.e. wherein reservation is made) is as below:—

Grade	Total working strength	Quota for direct recruitment	No. of S.C. Employees	Percentage (see Note 2 below)
Supdt.				
Class II	18	Nil	1	5.5%
Inspectors	289	60%	5	1.7%
Sub-Inspectors	201	100%	16	8%
U.D.C.	78	33½%	3	3.8%
L.D.C.	185	100%	19	10.3%
Steno-typists	26	100%	2	7.7%
Class IV	512	100%	22	4.3%

Note 1.—Recruitment to Class I Service is made through Competitive Examination held by the U.P.S.C. on all India basis and hence no separate reservation is made collectorate-wise.

Note 2.—The percentage of Scheduled Caste Employees has been worked out with reference to the total strength of employees in the various grades and is not with reference to the reserved quota for direct recruitment.

(d) The reason for not filling up the reserve quota to the full extent is non-availability of suitable personnel. All possible efforts have been made to recruit as many Scheduled Caste candidates as possible by (1) requesting Employment Exchanges to sponsor Scheduled Caste candidates as were available on their live registers (2) addressing the Scheduled Caste Federation in the State and (3) putting up notices regarding examination in important offices at Bangalore at the time of each examination.

Violation of Foreign Exchange Regulations

2129. Shrimati Renu Chakravarty: Will the Minister of Finance be pleased to refer to the reply given to Starred Question No. 328 on the 17th February, 1959 and state under what category is the case of Shri B. D. Goenka, Director, Indian Express, being proceeded against for violation of foreign Exchange Regulation, Act?

The Minister of Finance (Shri Morarji Desai): Attention in this connection is invited to items 23 and 24 of Annexure 'A' of the reply to the Unstarred Question No. 814 in the Lok Sabha on the 20th February, 1959 where detailed of the two prosecutions launched against, and fines imposed upon, Shri B. D. Goenka have been given. Certain enquiries now in progress relate to the question whether he has received any sums in the U.K. not in conformity with the Foreign Exchange Regulations.

Payments from Iron and Steel Equalisation Fund

2130. **Shrimati Manu Chakravarty:** Will the Minister of Steel, Mines and Fuel be pleased to refer to the reply given to Starred Question No. 346 on the 17th February, 1959 and state:

(a) what were the handling and incidental charges under T.C.A. programme paid from the Steel Equalisa-

tion Fund from 1955 to 1958 (year-wise);

(b) the cost of Price and Accounts Division Organisation from 1955 to 1958 (year-wise); and

(c) the payments made to re-rollers during the same period?

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): (a), (b) and (c). The information is given below:

	1955 Rs.	1956 Rs.	1957 Rs.	1958 Rs.
(a) Handling & incidental charges under T.C.A. programme.	6,001,968	1,922,948	3,871,155	6,517,600
(b) Cost of Price & Accounts Division organisation.	3,88,776	440,333	444,153	579,807
(c) Payments made to Re-rollers.	3,505,099	4,201,599	3,205,530	3,040,231

Scientific and Technical Terminology

2131. **Shri Ram Krishan Gupta:** Will the Minister of Education be pleased to state:

(a) whether Government have any proposal to evolve a common scientific and technical terminology in all Indian languages; and

(b) if so, what steps have been taken in this direction so far, or are being contemplated in the matter?

The Minister of Education (Dr. K. L. Shrinani): (a) and (b). The Government of India set up a Board of Scientific Terminology in 1950 to evolve a uniform scientific and technical vocabulary in Hindi, to be adopted in the other regional languages also, as far as possible. The work is in progress.

Oil Experts to Madras

2132. **Shri Eiyaperumal:** Will the Minister of Steel, Mines and Fuel be pleased to state:

(a) whether oil experts were sent by the Government to find out the oil resources in Madras State; and

(b) if so, the names of the places in Madras visited by them?

The Minister of Mines and Oil (Shri K. D. Malaviya): (a) Yes, Sir.

(b) Neyveli, Tiruchirapalli, Cuddalore and Niniyur areas of Madras State.

Report of the Building Project Team

2133. **Shri P. C. Borooah:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that an Italian expert on building and structural construction arrived in New Delhi on the 25th February, 1959 at the invitation of the Building Project Team of the Committee Plan Projects;

(b) if so, for what purpose; and

(c) what amount was spent for the visit?

The Minister of Finance (Shri Morarji Desai): (a) Yes.

(b) Dr. Morandi is an internationally known authority on bridges construction and structural engineering. He was invited for consultation on certain problems of bridge engineering encountered by the Buildings Projects

Team of the Committee on Plan Projects, with a view to ensuring maximum economy and efficiency in the construction of bridges in India.

(c) The expert did not charge any consultation fee and Government has incurred expenditure only on the cost of passages, internal travelling and stay in India. The total cost in rupees is about Rs. 11,500. No foreign exchange payment is involved.

Colonies for Scheduled Castes and Scheduled Tribes in Punjab

2124. Shri Daljit Singh: Will the Minister of Home Affairs be pleased to state the amount allotted by the Central Government to the Punjab Government for the construction of colonies for Scheduled Castes and Scheduled Tribes during 1959-60?

The Deputy Minister of Home Affairs (Shrimati Alva): Under the schemes for the welfare of Scheduled Tribes both in the State Plan and the Centrally Sponsored Programme, no provision has been made for the construction of colonies. It is not possible to give any information regarding the provision made for the construction of colonies for Scheduled Castes during 1959-60, at this stage, as the break up of the Plan allocation for 1959-60 amongst specific schemes has not yet been received from the Punjab Government.

दूसरे कार्यालयों में भेजे गये गृह-कार्य
मंत्रालय के कर्मचारी

२१३५. श्री सरजू पांडे : क्या गृह-कार्य
मंत्री यह बताने की कृपा करेंगे कि :

(क) १९५९ में अब तक गृह-कार्य
मंत्रालय के कितने पदाधिकारी दूसरे कार्यालयों
में भेजे गये और उनके पद क्या हैं ; और
(ख) उन्हें प्रतिनियुक्ति भत्ते के रूप
में कुल कितनी राशि दी गई ?

गृह-कार्य मंत्री (श्री गो० ब० पल्ल) :

(क) कोई नहीं ।

(ख) सवाल नहीं उठता ।

12-02 hrs.

PAPERS LAID ON THE TABLE

ANNUAL REPORT OF HINDUSTAN STEEL PRIVATE LTD.

The Minister of Steel, Mines and Fuel (Sardar Swaran Singh): I beg to lay on the Table, under sub-section (1) of Section 639 of the Companies Act, 1956, a copy of the Annual Report of Hindustan Steel Private Limited for the year 1957-58 along with the Audited Accounts. [Placed in Library. See No. LT-1303/59].

BOMBAY VILLAGE INDUSTRIES BOARD (RECONSTRUCTION) ORDER

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to lay on the Table, under sub-section (5) of Section 4 of the Inter-State Corporations Act, 1957, a copy of the Bombay Village Industries Board (Reconstruction) Order, 1959, published in Notification No. G.S.R. 200 dated the 13th March, 1959. [Placed in Library. See No. LT-1304/59].

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:—

"In accordance with the provisions of rule 130 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 11th March, 1959, agreed to the Parliament (Prevention of Disqualification) Bill, 1958, as further amended by the Lok Sabha at its sitting held on the 24th February, 1959, in the manner following:—

Enacting Formula

1. That at page 1, line 1,—
for "Ninth Year" substitute
"Tenth Year".

Clause 1

2. That at page 1,—

(i) in line 3, omit "(1)";

(ii) omit line 8.

3. That at page 1, line 4,—

for "1958" substitute "1959".

COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS

THIRTY-EIGHTH REPORT

Sardar Hukam Singh (Bhatinda): I beg to present the Thirty-eighth Report of the Committee on Private Members' Bills and Resolutions

PUBLIC ACCOUNTS COMMITTEE

THIRTEENTH REPORT

Shri A. C. Guha (Barasat): I beg to present the Thirteenth Report of the Public Accounts Committee on the Appropriation Accounts of the Government of Delhi for the year 1954-55 and 1955-56 and Finance Accounts for the year 1954-55 and Audit Reports thereon

ESTIMATES COMMITTEE

FORTY-SECOND REPORT

Shri Thirumala Rao (Kakinda): I beg to present the Forty-second Report of the Estimates Committee on the action taken by Government on the recommendations contained in the Fifty-fifth Report of the Estimates Committee (First Lok Sabha) on the Ministry of Defence—Ordnance Factories (Staff Matters and Training).

12.35 hrs.

***DEMANDS FOR GRANTS (contd).**

Ministry of Law

Mr Speaker: The House will now take up discussion and voting on Demands Nos. 70 and 71 relating to the Ministry of Law for which five hours have been allotted.

Mr Speaker: Members desirous of moving cut motions may hand over at the Table within 15 minutes the numbers of the selected cut motions. I shall treat them as moved, if the Members in whose names those cut motions stand are present in the House and the motions are otherwise in order.

Shri Khadilkar (Ahmednagar): rose—

Mr. Speaker: Is the hon. Member a practising lawyer?

Shri Khadilkar: No I am really thankful to you for giving me an opportunity—a common man—to express my point of view regarding the Ministry of Law

Mr Speaker: I do not think it is a disqualification if he is not a lawyer, only, I just wanted to know

Shri Khadilkar: I happen to be a law graduate; I practised only for six months. Unfortunately I was prevented from practising any further and from entering the precincts of the courts

Mr. Speaker: I believe once a lawyer, always a lawyer

Shri Khadilkar: Yes, in that sense—

श्री खुश बख्त राव : मैंने कोई कट मोशन तो नहीं दिया, लेकिन बोलना चाहता हूँ।

*Moved with the recommendation of the President.

DEMAND NO 70—MINISTRY OF LAW

Mr. Speaker: Motion moved:

"That a sum not exceeding Rs. 23,70,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Ministry of Law' "

DEMAND NO. 71—ELECTION

Mr. Speaker: Motion moved

"That a sum not exceeding Rs. 83,35,000 be granted to the President to complete the sum necessary to defray the charges which will come in course of payment during the year ending the 31st day of March, 1960, in respect of 'Elections' "

Shri Braj Raj Singh rose—

Mr. Speaker: I will give them all an opportunity next time

Shri Khadilkar: When discussing the Ministry of Law, naturally, the recent report of the Law Commission will have to be referred to. When I got that document I was really puzzled because, after nearly 80 years, and after more than ten years of freedom, an opportunity was given to eminent jurists of this land to review the whole position of law and law administration.

As we well know, in Europe, after the French revolution, the Napoleonic Code, as it is called, was enacted because, after a political change, the necessity for a change in the law administration arises, for, the law administration then becomes outmoded all over the world. The same thing happened so far as the Soviet Union is concerned. In the Soviet Union, after the revolution, they had to give very serious thought to the institution of law and law administration, to both.

Now, this Law Commission which seems to be very much concerned with the appointment of judges, their age of retirement, tenure of office, pension benefits and the code of social conduct, has unfortunately completely ignored this basic aspect which is absolutely essential for any social reform or if we want to implement our social objective. Though we had not experience of the French revolution fortunately, nor of the Russian revolution, still, a big change has taken place. The alien colonial rule has ended and when a new rule, a representative Government, was established in this land, it was expected of the Law Commission to give some thought to the changed circumstances and apply their mind to them, instead of applying their mind in a narrow groove and suggesting some remedies which are not going to help the administration of law or the administration of justice. Unfortunately, it is found in the report itself that the Commission consider that some sort of basic approach would prove disastrous. It is in the report itself.

Therefore, my submission is this. The Ministry of Law must now consider one thing that after the foreign domination has come to an end, a change has taken place, how are they going to meet the situation from the point of view of the common man? The population of the common man, in that sense, in this country is two crores or five per cent. of the total population and the common man is engaged in some way or other in litigation, which is the most unproductive aspect of his labour. When such a vast population is engaged in litigation, it is absolutely essential to provide a machinery of law administration which will give them quick justice and justice at not much cost, because justice delayed in the final analysis is justice denied. In several cases, because one party does not happen to have enough means, it cannot go into the juridical hierarchy of all the courts and expect to get justice at the highest level.

They have suggested some reforms of a superficial nature. They also feel that something is wrong, but they have not given enough thought as to what is the malady or the main disease. According to me, the main thing is that there is a big hiatus or a big gulf between the changing dynamic pattern of our society and social objective and the old colonial British law system that is still persisting here. What is our law system here, I would like to ask the hon. Law Minister. Fortunately, he is a young man and he can apply his fresh mind to the whole problem. In this land, he would be considered most immature even to sit along with the Cabinet colleagues where for the cabinet the age of eligibility and maturity is 60 or more, but he has been fortunate enough to get a place along with them. I congratulate him for that.

Mr. Speaker: Let there be no discussion of age.

Shri Khadilkar: I just mentioned it in passing. In the given situation, what is the position of the Indian law? Foreign domination has gone, but whatever traditions of law, method of administration of law, codified and procedural law, the main trunk remains. We are drafting some type of legislation here and there, but the main trunk remains. And, the question is whether that main body of statute law and procedural law is really meeting the needs of the people.

While laying down the foundation stone of the new building of the Supreme Court, the President of the Indian Republic had to observe that the High Courts and especially the Supreme Court still function in an atmosphere of British precedents, although in many matters, light has to be sought from other sources. I am not giving the full quotation. But the Law Commission did not care to look at that observation also. They have recognised that something is wrong somewhere and some radical change

the Commission would abhor the use of that word—word 'radical'—some change must be brought about. But let us examine the decisions they have come to.

First and foremost, they considered that the appointment of judges must be entirely left to the Chief Justices of the High Courts and of the Supreme Court and the Government should be a sort of advisory capacity. I do not subscribe to this suggestion. For one thing, we can hold the Law Minister or the Home Minister responsible for anything happening anywhere in the administration of justice if they are before us. The spirit of the Indian Constitution is that judiciary will be subordinate to the legislature. Let that be understood once and for all. This is a wrong notion. They have not got enough time to look to their own performance.

I may give an instance. Look at the labour tribunals, the bank award and the decision of the Supreme Court; look at the wage board award regarding the journalists. A good volume of legislation regarding labour matters is taking place in this country. There is an attempt to bring round labour, to eliminate strife and settle disputes through arbitration. If it were by negotiation and settlement on the spot, they have got some finality. In arbitration matters, it goes on and ultimately some point arises and somebody goes to the Supreme Court.

I do not doubt the integrity, the judicial acumen, etc., of the Supreme Court judges. But they have never seen that unless these matters are expeditiously decided, the workers or those who are seeking relief through arbitration, would not benefit by it. Look at the decision regarding the bank award. On technical grounds—one man was absent—the whole award was upset. Is it proper? Is it meeting the needs of the situation? Let us consider this aspect. When they consider their tenure, their retirement benefits and other things,

[Shri Khadilkar]

they ought to take into consideration the social objective of the State while delivering their judgement. I do not question their integrity, honesty and learning; I do admit all that, but unfortunately, the Indian judiciary, with a few exceptions, has never shown that social outlook, not shared that common experience with other people which they ought to share. Of course, they have laid down their code of conduct; they should remain in aloofness and isolation.

Mr. Speaker: The hon. Member has rightly said just now that any organ including the judiciary ought to be subordinate to the legislature. If that is so, it is for the legislature to lay down the law and for the judges to interpret it. Does he want to clothe the judges with the authority to make law incidentally by adapting or adjusting themselves to social environments and conditions. The hon. Member is able to reflect and react; does he want the judges also to react like that?

Shri Khadilkar: I will explain. The courts have a right to interpret whether we have transgressed the limits of legislation or the fundamentals of the Constitution. In that way, they are sentinels of law; that I do concede. I would like to make a positive suggestion and I have made it on the floor of the House. The time has come when Government and the Law Minister should give serious thought whether this purview of social legislation should be excluded from the purview of the jurisdiction of the Supreme Court or the High Court.

Mr. Speaker: That is another matter altogether. Therefore, to say that they are not reacting to what is happening, etc., is not relevant. Does he say that in theory, they should also become politicians and react to what is happening?

Shri Khadilkar: I do not mean that. I am referring to aloofness, etc. On reading the report, I was puzzled—they should not mix with the people

and so on. In England, the judiciary, the high dignitaries meet in a particular club; they are supposed to keep themselves aloof.

Mr. Speaker: Even the Speaker of the House of Commons does not move as freely as the Speaker here.

Shri Khadilkar: There is that seclusiveness. Are they not to keep themselves abreast of the social changes that are taking place? That does not affect their integrity.

Shri P. R. Patel (Mahsana): It is for the Legislature to pass the law, not for the courts.

Shri Khadilkar: Therefore, all these concepts of exclusiveness are borrowed from the British tradition, unfortunately. They have laid down a code of conduct for the judges. But there I find there is no mention of *pan*, whether they should smoke or they should indulge in temperate drinking. But there is no prohibition like Britain if they meet in a club where they discuss social gossip or social scandal, as happens in England. I have read about this in a very good lawyer's biography and that is why I am mentioning it.

Apart from this, what I would like to urge upon the Law Minister is regarding appointments after retirement, that is, whether they should accept political office. Now it is very unfortunate that a man like Shri Chagla, who was a member of the Commission, has, before that was recommended in the Law Commission's Report, accepted one office. Of course, he never aspired for any office. He accepted it in the national cause, and I am very happy that he has been posted in America. But still it contradicts his own recommendation. I am very sorry. I sometimes feel: "what has happened to our public life?" when men who say one thing, advocate one morality do not act up to that. They have not acted up to it. I can give you one instance

Shri Anbar (Mangalore): They are exceptions to the general rule

Shri Khadlikar: I would like to give you one instance, and that would throw some light on this

Shri C. R. Pattabhi Raman (Kumbakonam): May I point out that while the hon. Member is perfectly entitled to say that even before the report was placed on the Table of the House a person who was a signatory to the report has himself accepted an office, to say that he aspired for it is hitting below the belt. He did not aspire for it

Shri Khadlikar: Excuse me, I did not say

Shri C. R. Pattabhi Raman: He is not present here to defend himself

Shri Khadlikar: So far as accepting a particular office is concerned, it is a call of national duty, and he is rightly serving our country, to which I have already made a remark. But I was speaking in a general vein

Here I would like to draw the attention of the Law Minister to the firing that took place in Bombay. The All India Civil Liberties Union, with a distinguished lawyer as Chairman, Shri Das, tried to appoint a judicial enquiry committee, and the Secretary of the Civil Liberties Union went round all over the country. Every retired High Court judge was approached and nobody was prepared to undertake the task. Why? Because, all of them had something dangling before them—some committee, some appointment. That was the conclusion reached by the heads of the Civil Liberty Union. Is it a good state of affairs, I want to ask the Law Minister. Under the British regime many people used to come forward if there was injustice. If there was firing people used to come forward and offer their services. Today they are not prepared to take that attitude, because perhaps their chances might be spoiled.

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Mr. Speaker: What about the lawyers? There are thousands of lawyers

Shri Khadlikar: We wanted a judicial enquiry and we wanted an ex-judge of the High Court to preside over the enquiry.

Mr. Speaker: The hon. Member should conclude

Shri Khadlikar: I will very briefly refer to some other points. As regards the All India Judicial Service, I think that is a good recommendation. As regards the procedure, there was a specific term of reference that they should try to simplify the procedure. Now, what is the experience of the common people? What is the experience of people living in the villages and small places? They come in contact with only the local criminal court or revenue court where there is such an amount of delay. The delay under the present procedure is so much that one cannot imagine how many days are wasted, how much valuable time and money are wasted

Recently, the Law Minister had been to the Soviet Union. He has seen how soon justice is administered there. I do not think there is a wrong impression here that there is no system of administration of justice there. Here, according to the Commission, the normal time we take is 18 months. I understand that in the Soviet Union when there are no complicated matters the decision is given in 15 days. I hope if I am not right, the hon. Minister will correct me. I have ascertained that this is the position there. Why should we not adopt a similar procedure which will simplify everything and will cause less burden to the poor litigants?

Shri M. P. Mishra (Begusarai): Is there any law in the Soviet Union?

Shri Khadlikar: You have not studied their law system. Do you mean to say that 20 crores of people are just living without any legal system? You are mistaken.

Shri M. P. Mishra: Then you have not read Mr. Khrushchev's statement.

Shri Khadilkar: I have enough books with me on the subject.

Then I want to refer to another thing. The Commission has stated that we should get talent from the bar, that is, Bombay and Calcutta. Here, I want to point out one thing. There are many districts where there are very good lawyers. They should not be completely excluded from recruitment, because my experience is....

Mr. Speaker: For High Court judgeship?

Shri Khadilkar: Yes. There are good lawyers at the districts. Unfortunately, they do not come to the limelight. My experience is that in Poona, there are at least half a dozen lawyers. They will stand anywhere in competition with any of the High Court Judges that are now being appointed. I entirely agree that the caste consideration or communal or regional consideration should not be brought in. But, situated as we are, whatever we do, some type of political consideration is bound to creep in. But the important thing is that under the Constitution, they are free once they are appointed. Then it is a test whether they resist political pressure or not. It is their duty to resist political pressure. They should be above all pressures, including social pressures, and they should see that justice is done.

Then, I will skip over one or two points and refer to one point. In the small places what we find is that under the new legislation, particularly revenue legislation, lawyers are not permitted to appear. Some of the lawyer friends have reported that really the litigants are at a disadvantage because the *mamlatdar* or the revenue officials are supposed to dispose of all the cases. So, I would like to draw the attention of the Law Minister to this point. Is it good to have a provision like this? Or, should the lawyers be permitted to appear in such cases also? That is one impor-

tant aspect which I would like to bring to his notice.

So far as the administration of law is concerned, I would like to observe in conclusion one or two things. As I said in the beginning, this Commission was appointed after 80 years to investigate and lay down the law for a society which is dynamic with a definite social objective, welfare State or socialism or whatever it is. They have not done that. So, it is the duty of the Law Minister, while giving his careful thought to the recommendations regarding bar, All India service, appointment, recruitment, tenure of office, pensions and all that to look into this aspect also. As I said earlier, I would repeat that out of a political upheaval like the French Revolution the Napoleonic Code became the statute law. In the Soviet Union, after the early period of 1925, all the old jurists were called and all the procedural matters, evidence law and all the other aspects of law, were studied and they have evolved a law system. Whatever we might feel about that law system, I would like to point out to my friend that it is attuned to their political objectives. That must be taken into consideration. The political objective, the law system is bound to serve and must serve. If it lags behind, it is a drag on progress. That must be clearly understood. Therefore, the system of law has a social objective. Of course, it is said that law is conservative, it is static. Therefore, it is very important that the Minister of Law takes note of this fact and attunes the system with the changing phenomenon. I hope and trust that the Minister of Law will take note of this aspect while giving his thought to the Commission's report.

I once again thank you for giving me a commoner an opportunity to express the reactions of commoner to the legal system.

Shri H. N. Mankarjee (Calcutta—Central) **Mr. Speaker,** Sir, it is with

much pleasure that I participate somewhat accidentally in the discussion of the Demands for Grants in respect of the Ministry of Law. My pleasure is enhanced by the fact that it gives me an opportunity of reviving, so to speak, an almost faded relationship with the profession which I had at one time joined. It also gives me an opportunity in this House to cross swords.

Mr. Speaker: Why not say, the honour to belong? The hon. Member said, I had the pleasure to join. He might easily say, the honour to belong. The profession is such

Shri Nath Pai (Rajapur): The amendment should be accepted

Shri H. N. Mukerjee: We all know, you and I perhaps have a soft corner for the profession of Law in spite of whatever criticisms we might utter against it in this House from time to time. I am sure you will appreciate my feelings when I say that I am happy that I have this opportunity of crossing swords with my hon. friend the Minister of Law. But, I say crossing swords in a very metaphorical sense. My real object is to help him as far as I can in the very onerous job which he has got.

The importance of this occasion is increased by the fact that we have recently had the Law Commission producing its voluminous reports. Perhaps we shall have a further opportunity of discussing the detailed recommendations of the Law Commission. But, since we are now discussing the Ministry of Law's Demands for grants, perhaps a few observations in regard to the Law Commission's report may not be out of place.

There are certain matters which I feel the Ministry of Law should bear in mind, particularly, because the times through which we are passing are of a dynamic character and social transformation is professedly being sought to be achieved in our country and our law must keep pace with the development of that social change. My feeling is that what we require very urgently today is an approach towards law and also a new attempt to sim-

lify the law which our country will have to put into effect. I say this because the entire approach to law as we have learnt it so far has been the approach of the men of property. If I may quote the late Mr. Justice Holmes of the U.S.A., he said at one time in a classic judgment that there was an inarticulate major premise behind the back of the mind of every lawyer, so to speak, and that was the divine right of the men of property. That is to say, the law that we know so far has a bias in favour of the rights of property. When we are going over to a socialist pattern of society, what happens is that the right of property has got to be adjusted with the rights of citizens and the inter-relation between men of property and those who have not got property in the present state of things. Therefore, it is very important that we bring to bear upon the task of legal reform something of a revolutionary concept. I fear the Law Commission has not approached its task with that idea at all.

On the country, the Law Commission has tried to bring about a few reforms here and there, to tabulate so to speak whatever laws and regulations we have inherited from the British times, with a few accretions which we have had in the period of Independence, and more or less left it at that, by adding only a few comments in regard to the manner in which we may improve upon the functioning of law and the substance of law in the period which is ahead. I fear that it is not the right approach. It is very important that the Government comes out with a very clear pronouncement in regard to the necessity of relating our law to the new social norms which are developing. It is very important, therefore, that we try to simplify the law. After all, in a socialist society much of the accretions which have made our law such a cumbrous and complicated matter would be absolutely unnecessary. When a basic change happens in our history, we find that simplification of law has actually taken place. In the

[Shri H. N. Mukerjee]

case of the French Revolution, the Code Napoleon came into the picture because it was possible to simply the substantive and adjective law. It was possible at that time to bring about changes in the matter of the law and in the manner of the administration of the law. In Kamal's Turkey, even though in many ways it was not exactly a revolutionary change, all the same, it was something of a revolutionary alteration which came in Kamal's Turkey. In that case, we also saw that an adaptation of the Code Napoleon was made for the purpose of Turkish legislation.

I do not say let us take something from some other country or that sort of thing. On the contrary, I say that we in this country have a great tradition of legal talent. In our country, perhaps, the subtleties of jurisprudential thought reached a certain stature of which we can certainly be proud. The Anglo-saxon jurisprudence could be adapted, so to speak, to the conditions of our country because in this country also we had a legal tradition of very great substance and very great subtlety. We have succeeded in bringing about a kind of co-ordination between Anglo-Saxon concepts of jurisprudence and our own ideas in regard to law. So, I do not say that we do without the tradition which we have inherited as well as the result of the impact of the British in this country. But, I say at the same time, that since we are now going to have a complete sociological transformation, it is necessary to bring about such changes in the law, such simplification and such basic alterations as would fit in with the new forms of society that we are trying to achieve. I say also that now we wish that justice should go to the people rather than that people should have to run after justice to find by way of litigation and adjudication of their claims. Justice has got to be administered in the language of the people.

A few weeks later, perhaps, in this House, we shall have an opportunity of discussing as to what exactly the

position of Hindi is going to be. Hindi and the other Indian languages surely will have to be employed for the purpose of law, for the purpose of legislation, for the purpose of administration, for the purpose of judicial determination. If we are going to have our Indian languages for this purpose—we surely could have the Indian languages sooner rather than later—it is very necessary to do away with many of these forms of judicial procedure to which we have become so accustomed that we cannot even imagine the absence of them. We have today, for example, the idea of citation, of quoting precedents from judgments given many hundred years ago and any good lawyer like my friend the Law Minister has a library which includes volumes including English reports which start with Bracton, Lytton, Fortescue and God knows who else and they come to the present day. Every good lawyer has to go through, mug up a great deal, and study a number of precedents. The whole bias of English administration in regard to law was in favour of authority in favour of quoting precedents. This idea of quoting precedents which is only judge made law may have had some kind of validity at one time. But, I wonder if in the present set up, when we are going to have our law formulated in our Indian languages and administered through the medium of Indian languages, we can afford the intellectual luxury of that kind of citation which has taken place almost automatically because we could accept and adapt to our needs to the English system of jurisprudence. I feel sure, if we are serious about the change over from English to our Indian languages, Hindi and other national languages of this country, it is very necessary that we go ahead as fast as we can with the task of simplification of the law, with the task of moving away those cobwebs and unnecessary subtlety and sophistication which have entered into the very corpus of our law and to start so to speak, on almost a clean slate.

I say these things with great respect as far as the legal thinking of our country is concerned. But, I fear that our legal thinking has not been very sharp, very courageous and very original so far. In regard to jurisprudence, our country's scholars have not, unfortunately, contributed very much in the modern period, and in regard to legal teaching also, we are more or less imitative in our approach and this whole thing has got to be changed, so that our law may stand now in a very different category from what it has been before.

From this I wish to turn to the idea of the separation of the judiciary and the executive which has been emphasized in several cut motions presented before the House, and I feel that in spite of whatever the Home Ministry might say in regard to this matter,—and I fear that perhaps occasionally the Home Ministry is more of a hurdle than the Law Minister is perhaps prepared to concede—whatever the views of the Home Ministry might be in regard to the separation of the judiciary and the executive, the Law Ministry has to put its foot down and see to it that this concept which is absolutely in conformity with the highest judicial thought is actually translated into practice in our country with the least avoidable delay. And this is something to which I wish the Law Minister applies his mind very carefully.

Many of the cut motions have referred to the idea that there is a kind of suspicion—maybe not justified, but even so, the fact is there—that the judiciary at the moment is not perhaps as free from executive influences as it ought to be. I say this with very great respect to our judiciary, but I do feel that, as the famous maxim of law suggests that law should not only be administered but it also should seem that it is being properly administered, our judiciary has got to behave so that it is really, like Caesar's wife completely above suspicion.

Now, what happens is that actually we have encountered instances of what appears to be the likely contamination of the judiciary by executive influence. I will refer only to one example. I would not mention any particular name. After the last general elections were over, there was a Minister who was defeated in the elections. He is a very good friend of mine. My relations with him are of a particularly affectionate character. I may even say that, but has defeated and perhaps I also had a hand in his defeat because his constituency was in my area, but almost immediately after his defeat—he was a lawyer—he was appointed a High Court Judge. I do not take exception to the appointment at all. It was an unexceptionable appointment as far as the man was concerned, as far as his qualifications were concerned, but it looked rather odd that a person who stood for election, had been a Minister, and who was defeated at the elections, was appointed straightway to the position of a High Court Judge. I do not wish to go on amplifying this matter, but this kind of incident leaves a sour taste in the mouth and it is for the Law Ministry to make up its mind and to plead with the Home Ministry, if pleading becomes necessary, to make sure that these things do not happen. But they have happened, and that is why so many Members appear to be keen on making sure that the judiciary is absolutely free from executive interference.

The Law Commission has made certain remarks in regard to the appointment of Judges. I am sure those remarks are going to be quoted. I am afraid, not having the chance of preparing my speech, properly speaking, I could not get hold of the volumes of the Law Commission's Report from which I could have given quotations about the manner in which judicial appointments appear to have been made. I am sure those quotations are going to be put forward before the House but in any case these appointments are very important because the trust the confidence of our people in

[Shri H N Mukerjee]

the judiciary, it is absolutely essential to maintain, especially when we have a written constitution, when a law passed by even a sovereign body like this Parliament is subject to be declared *ultra vires* by the Supreme Court, and therefore we should make sure that the respect of our people for the Judges is not jeopardised by any action on the part of the executive

In regard to the Supreme Court, for instance, I feel, as the Law Commission also has pointed out, that appointments should not be made almost on the basis of seniority, or perhaps on *even some less unexceptionable principle*, from among High Court Judges. Appointments might very well be made from among members of the bar, practising members of the bar, who might not be attracted to a High Court Judgeship, but who might very well be attracted to a Supreme Court judgeship because of certain differentiations which exist as between a High Court Judge and a Supreme Court Judge. It is very necessary that we take very careful steps in order to maintain the purity of the Supreme Court.

Talking about the Supreme Court, I feel that in recent years there has been a multiplication of labour cases which go on appeal especially because the employers have a lot of money which they can throw about, and they can employ very fashionable counsel and spend a lot of money over them. As a result of this there is multiplication of labour cases even before the Supreme Court. If the Supreme Court is going to exercise its jurisdiction in regard to the labour cases, and I think that in the present circumstances, the Supreme Court ought to exercise its jurisdiction in labour cases, I feel there should be a special Industrial Bench. I feel that there should be special provision in the Supreme Court for the adjudication of these particular cases and I feel that there should be also a special central agency for conducting these cases before the Supreme Court.

I say this because I have noticed what to my way of thinking is an anomaly, and that is the appearance of our Attorney-General on behalf of employers in these labour cases before the Supreme Court. I say nothing against the Attorney-General who is a very eminent individual, and I say that professionally and from any other point of view he is certainly entitled to accept briefs from employers and appear for them before the Supreme Court. I have nothing against him in particular, but I do say that the appearance of the Attorney-General who is the principal legal official of this country, a country which is wedded to the socialist pattern of society, a country whose Government says it wants workers' participation in the management of industry, a country whose Government says it wants equalisation of opportunity for all, a country whose Government says that the ostentation and vulgarity of the inequality of incomes has got to be fought out and rooted out altogether when the Attorney-General is appointed by that country, we should certainly expect that the Attorney-General being the symbol, so to speak of the judicial character of the State should not take such briefs as appear to be partial towards a section of the community whose vested interests it is our purpose to subvert. That is the only sense in having a socialist pattern of society, and therefore, I feel that Government should carefully consider the feasibility, the desirability, the ethicality of the Attorney-General appearing on behalf of employers in labour cases. And on the whole, Government should apply its mind to the idea of having a central agency for conducting cases, particularly labour cases, before the Supreme Court.

We have noticed also from time to time that the question of the All-India Bar is hanging fire for so long and the Law Commission has made certain observations in that regard. I fear, there again, it is on account of the

position of English, it is on account of the position of Anglo-Saxon jurisprudence and adjective Anglo-Saxon law, it is on account of the hierarchy of position, of prestige, which we have inherited from the British days, that we are unable to have an All-India Bar. It is because we have not got a simplified procedure and simplified substantive law that we cannot evolve really an All-India Bar as soon as ever that is possible. But we have to apply our mind to it, and I go back to my first point, namely, simplification of the law which alone will make it possible for an All-India Bar functioning through Indian languages to appear on the scene and to be a really effective proposition.

There is another matter to which I wish to make a reference, and that is that I feel that the Law Ministry has not been very careful in regard to the subordinate legislation activities performed by the different Ministries of the Government of India. In the last Parliament I happened to have been a Member of the Subordinate Legislation Committee, and even now from time to time I do try to take some interest in the work of the Subordinate Legislation Committee, and I find that the Subordinate Legislation Committee in its reports has pointed out many a time how different Government departments do not look upon the authority of Parliament with that respect which is due to it. The different Ministries of the Government of India formulate regulations and by-laws and all that sort of thing without real respect having been paid to the intention of Parliament. These Ministries of the Government of India occasionally do not even abide by the directions of Parliament in regard to the laying of the rules on the Table of the House in time. Many such instances have happened from time to time, as far as I know from my experience as a member of the Subordinate Legislation Committee in the past, and I feel that the Law Ministry should try to consider this matter very carefully. The Law Ministry should insist that the different Ministries, when they

try to have these by-laws and regulations under the Act, should refer the matter to the Law Ministry, and the Law Ministry should make sure that every single step which is necessitated in the interests of the authority of Parliament is really and truly observed.

I wish also to refer to another matter, and that is that a question has been raised in this House from time to time regarding the appointment of former judges of the High Court and of the Supreme Court to other kinds of jobs. We have, for example, a very eminent judge of our country who is now functioning as an Ambassador—rightly or wrongly, I do not know—abroad. There have been criticisms in this House as well as outside in regard to the appointment of former judges of the High Court and of the Supreme Court as Governors or Ambassadors or anything of that sort.

I do feel that a principle should be laid down that High Court judges or Supreme Court judges, after they retire, might occasionally be requisitioned because their services are important, but their services may be requisitioned only for purposes of a judicial or a quasi-judicial character. Any job which is even remotely smacking of a political character should not be touched with a pair of tongs by former judges of the High Court or of the Supreme Court.

But the condition of things in our country is such that—I am ashamed to have to say it—that I have myself noticed how ex-judges thrown out, so to speak, at the age of sixty have made a practice of frequenting the corridors of certain Ministries in order to make sure that they get some kind of job. This is terrible; this kind of moral pressure which is being indirectly put upon the judiciary is something which goes against the grain. And that is why I feel that you can easily raise the retiring age of the High Court judges from sixty to sixty-five. You can easily give some kind of relief to people who at sixty are perfectly fit and ache for some kind of job to do, and you can easily make such

[Shri H N Mukerjee]

provision as would be making it impossible for former judges of the High Court or of the Supreme Court to be going about sometimes with a beggar's bowl in their hands for political assignments of different sorts

This is a matter to which very serious attention ought to be paid by the Law Ministry, and in conjunction with the Home Ministry it should immediately as soon as ever that is possible, lay down a principle and announce it before Parliament that former judges after retirement should accept only jobs of a judicial or quasi-judicial character

I shall finish now. I shall only make a reference to the demand made in some of the cut motions regarding the provision of legal aid, especially for the poor to minimise costs of litigation. I know myself how the Law Minister, when he was practising very eminently in the Calcutta High Court had himself taken part in an effort to bring about the provision of legal aid to people who could not themselves command such aid. And, therefore, I feel that Government should come forward with a well thought-out scheme. The Law Minister and some of his friends have been abroad lately, they have been to socialist countries, I am happy to say, to countries like the Soviet Union and Poland, and they have noticed how in those countries, in spite of the complicated nature of their economy, they have succeeded in simplifying law and procedure, and they have succeeded in making sure that nobody is handicapped on account of not having enough money to prosecute one's defence in court. Therefore, I feel that after his visit to the socialist countries in particular, he should draw upon that experience and collate that with his own wide experience in this country and help to bring about a method of securing ample and adequate legal aid so that the poor litigants of our country might get some relief.

There are some other points, but I feel I have not got much time to dilate on them. Besides, there are other Members who are very likely to speak with much greater professional capability than I can muster after so many years of absence from the Bar.

I thank you for the opportunity you have given me for taking part in this discussion.

Shri Nath Pai. In the rather dull report presented by the Law Ministry there are two aspects which deserve very special mention, namely the magnificent work done and being done continuously for this country by the Election Commission, which comes within the purview of the Law Ministry, and the monumental work done by the Law Commission. I do not know if the recent promotion given to the Law Minister was a mark of appreciation of his undoubted talents, on the part of the Union Government, or an appreciation on the part of the Government of the role that the Law Ministry is to play in this country in enforcing the rule of law. I trust that it is the latter that was the main criterion in this new promotion.

I do feel, and there would not be any dispute in this House on this point, that the rule of law is the major distinguishing mark of a democracy, the one characteristic feature which distinguishes it and separates it from other forms of government. If we want to see that it is established in this country, then the heavy hand of the Home Ministry should be lifted as quickly as possible and as effectively as possible from everything that has to do even remotely with the administration of justice in this country. I am not likely to be misunderstood that I was wanting to cast any aspersions on the holder of the Home Minister's office; right now it is the principle with which I am concerned.

Having agreed that it is the rule of law that will have to be enforced and upheld in this country, perhaps, it will be in the fitness of things that

I define what I mean by the rule of law, I am very sorry that my hon friend Shri Khadilkar is not in the House, because I would have liked to bring to his notice the very sinister implications of what he has said regarding the judiciary being required to conform to the requirements of the executive. Shri H N Mukerjee perhaps has stated the case much better and more effectively when he said that a law should be framed to embody the new social ideals of the society, but to suggest that the judiciary should be subordinated and should conform to the executive is a very highly pernicious and sinister doctrine to be promulgated in a democracy.

I shall be pointing out what we mean by the rule of law.

It is the body of precepts of fundamental individual legal rights, permeating institutions of Government which are vested with appropriate power of enforcement, and those procedures by which such precepts may be applied to make those rights effective."

I think that rather than going on just having this humdrum duty of making drafts of Bills to be introduced in this House, the Law Ministry of the Union Government will be more and more and in progressive stages charged with the responsibility of efficient judicial administration in this country, because, let us remember that to ensure efficient, expeditious and inexpensive enforcement of the rule of law is to strengthen the foundations of the edifice of our democracy. The faith in democracy depends to the extent that you are able to instil and inspire faith in the average citizen that justice will be done to him. It is, therefore, in this wider perspective, that the role of the judiciary becomes of paramount importance in all our consideration.

Under our Constitution, the Supreme Court is established to safeguard the fundamental rights and liberties of the people. An independent Supreme Court as shown by the working of such Courts in other democratic

countries will have far-reaching influence on the constitutional history and progress of the Union of India. Is this consideration all the while borne by those who are charged with the heavy responsibility?

This court, let us remember, is constituted as the protector and guardian of the fundamental rights, not only when the dispute is between one citizen and another, but more important is its role when it arbitrates on a dispute which concerns a citizen and the executive. It is, therefore, of vital importance that the integrity, the dignity and the impartiality of the Supreme Court is all the while ensured. And I should like to point out what is happening in this country with regard to that. What has the Law Commission to say with regard to this? Can we say that such a course has been followed? And what a scathing criticism comes in!

It is widely felt that communal and regional considerations have prevailed in making the selection of the judges. This has prevented the Court from being looked upon by the subordinate Courts and the public generally with that respect, and, indeed, the reverence to which it is by its status entitled."

Sir, it is not with pleasure that I am trying to read this. But it is a very serious thing which we cannot easily look over and pass. Judgments like that, passed by some of the best juridical minds in the country, I hope will not be meeting the usual fate, which reports in this country are normally in the habit of being meted out, that is, being pigeon-holed. This is a very serious thing.

13 hrs

The whole fabric of our democracy will be tottering if this is what is to happen to that one body which we have created to see that the judiciary functions properly checking the

[Shri Nath Pai]

executive when it shows any tendency to exceed in its enthusiasm. What is happening at this level, Sir? Considerations not based on merit, extraneous considerations, are coming in. It is not only at the Supreme Court level that this is happening. This is perhaps the worst indictment of the present regime, perhaps an indictment which cannot be easily lived down, which the Law Commission had to track and put before the nation in such clear, crystal terms. What has been the normal practice in the appointment of Judges in the High Courts too? It has been felt by our Chief Ministers that this is a bounty which they can go on conferring, taking into consideration what? Not the merit of the individual concerned, but in many cases, his caste, his community and even his political affiliation. Where shall we descend to if this is to be followed? This is not a conjecture that I am referring to. It is the finding of the body which this nation had asked to look into the whole question.

"The selection of a person on considerations other than of merit has far-reaching repercussions"

Only yesterday, we were told by the Prime Minister that the rule of seniority very often leads to the survival of the mediocre. How dangerous it is when it is applied to the judiciary?

The first point I should like to make is that the Chief Justice of India holds a post which will be, for some time to come, till our Constitution is finally interpreted and the functions of the State legislatures and Parliament are decided and the rights of the citizen and the executive are finally defined, vital in the determination of these matters. It will go on gradually improving as we progress. If, therefore, we are not very careful in dealing with such a body, if we go by the considerations of caste, community and political affiliation, and even this minor consideration of seniority, the

Supreme Court will never be having the benefit of such personnel of independence and sturdy character and judgment who alone can take this onerous responsibility of acting as the guardians of the rights of the citizens and interpreting the Constitution.

This is what the Law Commission has to say on the selection of a Judge on considerations other than that of merit.

"Such a Judge would naturally not receive from members of the Bar, who would be no strangers to his capacity, the full measure of co-operation which is needed for the proper administration of justice, nor would a Judge so appointed generally have the amount of confidence in himself which alone can contribute to the efficient discharge of his duties. These circumstances are bound to affect adversely the quantity and the quality of the work turned out by such a Judge."

On a subsequent page, we are told the High Court is burdened with personnel whose only qualification turned out to be that the Judge had succeeded in getting the goodwill of the Chief Minister.

I will not be labouring this point, but, as I have already said, this is a sinister tendency that has grown. The Commission says that the observations made by Justice Kania that 'merit alone should be the basis for selection of the High Court Judges seems to have been completely overlooked'. What an indictment in a single sentence is embodied against those who have indulged in this very dangerous game of undermining the independence, dignity and authority of the judiciary? The selection of a person on considerations other than those of merit will have far-reaching consequences, so far as liberty in this country is concerned.

There is this thing at the technical level—where shall we look for a

Judge? Reference has been made to the fact that we should not confine our eyes only to the Benches of the High Court. There is enough judicial talent in the Bar too. It is an out-dated consideration that the man who is young should not be given any thought in making appointments. Some very archaic ideas are very often very heavily weighted, more heavily weighted than they should be permitted to be so, against young talent. We have to be convinced that to be appointed to the Bench, he must be 50. Look at the experience of other countries which have a grand record in judicial history. Is it necessary to have a declining age to be an efficient and great Judge? It will be far from me to cast aspersions on age. But youth should not be made a liability where merit should be the only criterion.

Reference should also be made to another point. It is a sad spectacle—and perhaps a sadder comment on our life—that Judges of the High Courts and Supreme Court have to stoop down to practice after retirement. It is not enough to condemn this practice and make the necessary constitutional changes; it is important that we should see that we do not treat them as miserly and meanly as we do. Let us have austerity and economy, wherever it is necessary. But let us not be mean and miserly and trying to be economic at the cost of the liberty of the citizen, at the cost of the independence of the judiciary. Rs 800 after a life-long service is not a pension that can keep a man in the necessary comfort and dignity to which he is entitled after having done such a vital service in so important an aspect of our life. The pensions of the High Court Judges and of the Supreme Court Judges will have to be radically changed when we introduce this amendment to the Constitution to the effect that no Judge shall be allowed to practice after his retirement.

I should now like to turn my attention to another very important aspect

which is often overlooked. It is of the separation of the judiciary from the executive. This morning there is a reference in one of the national dailies to what is happening in UP, because there has been a failure to separate the judiciary from the executive. I had requisitioned that daily, but I am sorry it has not been supplied to me, because somebody was reading it. It has happened in Uttar Pradesh. Somebody had said India, that is Bharat, that is Uttar Pradesh. If this is the pattern in UP, what must be happening in other parts of the country? It is leading to disastrous consequences. A Magistrate went to the extent of re-trying a case. A Magistrate can overrule his own judgment, call back the case and re-try the whole case at the instance of the prosecution. It is a pernicious thing. Article 50 of the Constitution directs you, makes it incumbent on you, to take immediate steps to separate the judiciary completely and immediately from the executive. This leads not only to better justice, but the expeditious justice, as the Law Commission has very cogently and conveniently brought to our notice. Some say that it will cost us more. But is it really too heavy a cost to have better justice, efficient justice, ready justice and reliable justice? I do not think that the cost will be heavy.

It is in this connection that I should like to endorse the suggestion for establishing an All India Judicial Service. To the extent that we take active steps to establish this Service, we shall be ensuring that we provide the entire judicial system beginning with the lowest judicial magistracy to the Supreme Court with the requisite type of personnel having the necessary training and—very important—having the necessary calibre too.

Having said this, I should now like to turn my attention to another point, that is, of the methods of investigation that are being followed. Only day before yesterday, the House was

[Shri Nath Pai]

pleased to vote a very handsome sum for atomic energy. The reason is that we want to remain abreast of the world, on a par with other countries in scientific methods. Then why employ these medieval methods in the matter of investigation in a very ordinary thing which we experience, the detection of crime? You as a lawyer must have known, Sir, the tragedy of the accused in the districts and taluks. The only method the police, by and large, employ is not the laboratory, nor the telescope nor the microscope and all the amenities and equipment which science has made available, which modern and civilised countries are taking pride in employing, the only method the police employ is that of the baton, that of the torture chamber. The Law Ministry must see that we reform totally this tragic aspect of crime detection.

Recently, I have received a letter. A man was arrested. This is not my experience alone. Both the Law Minister and his Deputy have been eminent lawyers in their respective States and know this tragic aspect of our life—the torture method, the third degree method. The sooner we do away with it the better it is not only for those unfortunate individuals; but it will tone up our life; it will bring a higher dignity in our life if we discard these archaic and medieval methods.

I should like to point out in this connection the methods that have been recommended by them. There is a very important aspect that it is tried, it is common, it is hackneyed to go on repeating that justice delayed is justice denied. I do not want to do that. But how true it is in this country! It has been pointed out what it means, in terms of delays. I have some concrete suggestions to make about these delays. It is this.

On page 68 of the Volume it is pointed out

"The loss of working strength of the High Court by reason of

the delays is roughly equivalent to the absence of 12 Judges for 12 months."

This is in U.P., India's biggest State. In Punjab, "There was a loss of 2 Judges for over one year."

In Bihar—"The loss was roughly equivalent to the absence of 5 Judges for one whole year."

The result of this is that there is accumulation of work, there is delay in work and we feel—the average citizen feels—and we know that there is a greater delay.

An Hon. Member: What about Bombay?

Shri Nath Pai: This is the common experience. Everywhere it is so. I just quoted this because it is documented. Otherwise, I would be appearing as quoting from personal experience. This is unimpeachable evidence. That is why I quoted it. Why does it happen so?

We come to the point again. It is because of delays in appointing Judges, because of the faulty methods in deciding the strength of the courts and the other considerations to which I do not want to make a reference, which weigh in making these appointments. There is delay—unreasonable delay. We do not have sufficient strength. Why do we not have sufficient strength? It is because of the faulty methods in deciding how many judges we require. If any decision is reached as to how many judges we require, we do not take the necessary steps to proceed with the appointment because those ulterior considerations come in the way of getting the necessary type of judges that the country requires.

I would like to make one or two more observations. It was sad to hear this kind of disparaging remarks against the Supreme Court. I am a

student of law; I pretend to be no more than that. But, our Supreme Court, by and large, has done a magnificent job and I feel proud of it. It will not be for the Supreme Court to try to implement, of course, what we have in mind. We have to frame the law adequately. Let Mr. Sen and his department take care when he comes with his drafts here. Let them be more careful and let not another Gounder be called upon to say that the necessary care was not there; let not another Naushir Bharucha be called upon to point it out. Let the drafts be properly put up.

There is another point which I would like to make. We shall have to see that the jurisdiction in criminal cases is very very sparingly employed. There by we will be seeing that the Supreme Court has more time. Of course the dignity of the High Court will be maintained. It is this thing, I will say, that the Supreme Court should not have anything to do with labour disputes. I would like here the Law Minister to think of institutions which can relieve the Supreme Court of those labour disputes. There are about 518 appeals pending. We had Labour Appellate Tribunals. We should get them back. If we had labour tribunals with competent people who know their job as to how to deal with these there would not be inordinate delay in the discharge of the work of the Supreme Court.

Before I conclude I would like to point out one or two small things. In this country the civil servants, the government employees do not always have the right to go to the court. There is a very good suggestion coming which, perhaps, the Law Minister will be good enough to take into consideration. A Tribunal presided over by a retired Judge, with, of course, eminent retired civil servants can be constituted to look into all these cases to remove this anomaly that there are sections of the community who have no avenue for

redressing a wrong under which they are suffering.

Finally I would like to bring this to the attention of the House before concluding. Somebody had said that every Indian, everybody who is lucky enough to be born in this country must have this thing. 'Wherever my rights shall be infringed, I will have justice done to me and my rights upheld.' How can we do it? It will not be that every man can come to the level of the Supreme Court unless we see that legal aid is made available on the scale which the criminal Justice Act of 1948 has made available to the average Briton.

In this, one thing can be done. We will have to give serious thought to seeing that the Nyaya Panchayats do a good job. Cases in which the fine does not exceed Rs. 50/- and the total value perhaps a few hundreds—I would not be dogmatic on that—can be dealt with by these courts. To that extent we will be seeing that there is speedy justice, immediate justice and justice within the reach of the average man. Shri Patanjali Shastri may be a fine arbitrator of law, an ornament of the judiciary but how will the average man know? How will he judge? He will judge by what justice he gets at his own level. Therefore, it is that these panchayat courts will have to be constituted, care being taken, of course, that they are not a replica of the village panchayats which today we are having, ridden with communal considerations. But, of course, one consideration should be that they will be charged with the duty of doing justice.

If we do find some of these suggestions reflected in the attitude and the actions of the Law Ministry, then, perhaps, there will be some justification for granting to them the amounts for which they have come to the House.

Shri C. R. Pattabhi Raman: Mr Speaker, Sir, it is gratifying to note and it is but proper that from all parts of the House the rule of law should

[Shri C R Pattabhi Raman]

be upheld, and encomia should be paid to the rule of law and to the role of the judiciary as such. In a written Constitution where you have the guaranteed rights, the judiciary has a definite role to play. It is the repository of the freedoms of all the people. Without exaggeration I would claim that perhaps the most popular institution in the whole of India today is the judiciary headed by the Supreme Court of India. Most people feel that there is a heaven where they will get justice.

I was rather shocked when I heard my esteemed friend, Shri Khadilkar refer to the judiciary being subordinate to the executive. (Interruptions) He almost expressed the feeling

Mr. Speaker: I understood him to say that even the judiciary must be subordinate to the legislature in the sense

Shri C. R. Pattabhi Raman: At a later stage he said that

Mr. Speaker: In the legislatures, of course, we make the law. There is no question of subordination. The legislature is entitled to make the law. The judiciary is bound to give effect to that law. That is what I thought he meant originally. Subsequently I did not follow him.

Shri C. R. Pattabhi Raman: I gathered there was a bias so far as he was concerned. He was more or less

Mr. Speaker: I am sure he will change his views if he is called by the executive

Shri C. R. Pattabhi Raman: Even in England where the Parliament is supreme, the judiciary has a very important role to perform. It is not lightly that the Parliament will interfere with any of the rights of the people, nor will it do anything which will affect the judiciary, in England. Much more so is the case here where

we have a written Constitution where it has a definite role. It is the third limb. The judiciary has to protect the guaranteed rights, of course, governed by the Directive Principles envisaged in Chapter IV of our Constitution. Therefore, I would like to say that I am very happy to hear my talented friend, Shri Mukerjee talk about the rule of law. I know what regard he has for it. He will be interested to know what Mr. Lavee, the Secretary-General of the International Commission of Jurists said. He came down to Madras and I was asked to interview him. He had just then returned from Kerala. I asked him deliberately, "What do you think of the rule of law in Kerala?" He said something very interesting. The Chief Minister, in all humility, went before the court and apologized for a contempt. There is the rule of law in Kerala. And that is a great compliment, I am sure, not only to the Communist Party but also to the administration in Kerala. Such is the rule of law.

The Law Commission to which frequent reference has been made says this with regard to the upsurge in India. With your permission I will quote

"The upsurge of national consciousness which led to Independence has to a great extent altered the psychology of the citizen. The change of his status from a subject in a dependency to a citizen of a democratic republic has reacted largely on the citizen's social, economic and political life. He is proudly conscious of the rights guaranteed to him by the Constitution, of his right to social and economic justice, and of his claim to equality of status and opportunity."

I cannot improve upon that language. The vital role of the court has been put very tersely in Bomesh Thapar's case

"This court is thus constituted the protector and guarantor of"

Fundamental Rights and it cannot consistently with the responsibilities so laid upon it refuse to entertain applications seeking protection against the infringements of such rights."

That was the observation of the court in Romesh Thapar's case. It is rather embarrassing for me; I had the honour and privilege of appearing for Romesh Thapar in that case. The plea was put that Romesh Thapar could not straightaway run to the Supreme Court because in that case the Madras (Maintenance of Public) Order Act was affected. But the Supreme Court said, "No. His right to come to the Supreme Court is a Fundamental Right and they said they were not going to jettison him and direct him to go to Madras first."

It was frequently mentioned that the Judges they are not getting up with socialist ideas. They say that the Judges are blocking social progress. I may say that they are not doing it. They have got to administer the law as they find it. You can always change the law and they will dutifully implement it. In V. G. Row's case where again I had the honour and privilege to appear, Chief Justice Patanjali Sastri has said

"If, then the Courts in this country face up to such an important and none too easy task, it is not out of any desire to tilt at legislative authority in a crusader's spirit but in discharge of a duty plainly laid upon them by the Constitution. This is especially true as regards the 'fundamental rights' as to which this Court has been assigned the role of a sentinel on the *qui vive*."

The Law Commission has said that the lawyer has not been playing a very important role in recent years. It is rather tragic. The Father of the Nation was a great lawyer in South Africa and he came here with all the training and background and he led us to freedom. Our Prime Minister

has been a lawyer and our Home Minister, a distinguished lawyer in UP. You, Sir, have been a lawyer of eminence in Andhra Pradesh. (An Hon. Member You too) In that distinguished company, it is like comparing mouse to an elephant, I am a small man. (Interruptions) In view of the great role played by the lawyers, I have no doubt that they are not going to be mere technicians in future. The lawyer realises that Motilal Nehru, C. R. Das and people like them were not mere technicians; they were not merely drafting pleas or appearing in courts. There was a lot of social work and national work done by them. I am sure that the lawyer will catch up with the spirit of the times and will not merely be adding to his bank balance. He will have some social duty to perform and I am sure he will perform it. Otherwise the whole Constitution will crack up. The third limb of the Constitution is the judiciary—law. And the strength of the chain, as you know, is that of the weakest link. The moment you drag down the lawyer, you are destroying the democratic way of life. If anything is done to bring down the law and permit arbitrary interference by the executive, there is no democracy; there will not be any democracy in India.

With regard to the separation of judiciary from the executive it is a very important thing that should be carried out in all haste. I am glad in my State of Madras, it is practically complete but not yet fully complete. Unless you separate judiciary you cannot have that independence of judiciary which is essential for the administration of justice. (Interruptions) The old collector used to be the Sessions Judge. But now the collector is a mere revenue collector and is also a person who does some jobs like community development and all that. He is really a much smaller man. (Interruptions)

Mr. Speaker: The District Magistrate is himself under the High Court and there is also a Collector. Formerly

[Mr Speaker]

the District Magistrate and the Collector was one and the same person. But the present District Magistrate is a separate person dealing with cases. They are all subordinate to the High Court whereas the Collector is under the Revenue Minister. (Interruptions) All right. Whatever the hon. Members have in their minds when they speak of the separation of judiciary from the execution it has been done in the States of Andhra Pradesh and Madras.

Shri C. R. Pattabhi Raman: May I with your leave elaborate?

Mr Speaker: It is not necessary. Whatever they have in their minds had been done there.

Shri C. R. Pattabhi Raman: If I may with respect, add to what has fallen from you, I may say that they are under the High Court. That is one thing. Secondly, the appointment, in most cases, is done by the Public Service Commission, with a Judge sitting along with them. (An Hon. Member Appointed by whom?) I take it finally the Governor appoints and so the executive always appoints. But the subordinate Judges are appointed only on the recommendation of the Public Service Commission where a Judge sits along with the others. There is something, at any rate we have gone some distance and we are not stagnating. That should be the rule all over India. Let us make a beginning and let us start. I am sure once the start is made, you cannot go back to the bad old days.

Now, I wish to refer to the Ministry of Law. I am glad a reference has been made to the distinguished lawyer heading it. Last time I pleaded that he should bear a Cabinet rank and I am glad he bears that rank. It is a compliment to the legal profession and law. But I find that their functions are really rudimentary if I may use that word. In a Government of this magnitude, they have got two sections: Legal Affairs and Legislation. Apart from drafting enact-

ments, giving the opinions and drafting treaties and perhaps suggesting something to the President, I find that they have not much of a function. As Shri Mukerjee has pointed, this has been the back-wash from the bad old days. I am sorry I have to use that word. In the olden days the view of the Government was that there may be an Indian Law Member but the Home Member must be an Englishman. Because of that dichotomy, the Law Member was a mere drafting man with legislative jobs and the Home Member was the person who dealt with security, police, appointment of Judges and all that. I am not now suggesting straightway anything drastic and I am not saying that the whole Home Ministry has to be changed to Ministry of Justice. But I say that a beginning must be made and the Law Minister should be consulted at least in the appointment of Judges.

Shri Nath Pai: He is the only one to be consulted.

Shri C. R. Pattabhi Raman: I would say this. We have now changed. I am not seeking anything high. But the Law Minister should be consulted in the appointment of Judges in various States and also in the appointment of the Judges of the Supreme Court. He is after all a lawyer and knows what his job is.

Shri Hem Barua: It must be left entirely to the charge of the Law Minister.

Shri C. R. Pattabhi Raman: I would plead again, as I did on a former occasion for the creation of an All India Bar. It has been put very well, by Macaulay. There have been four Law Commissions so far and from the earliest times the principle is simply this

"Uniformity when you can have it, Diversity when you must have it but in all cases certainty"

I feel that they can have a definite legislation with regard to an All India Bar and an All India Bar Council.

Sir, I am glad that recommendations have been made with regard to having a judicial service similar to the Indian Administrative Service on an all-India basis. So far as the administration of Justice is concerned, from Cape Comorin to Kashmir, from Gujarat to West Bengal, there must be some uniformity. There must be an all-Indian outlook in the judges. There should be regular examination by a Commission similar to the Public Service Commission and the subordinate judges should be chosen by a Selection Committee with a judge of the High Court also on it. That is quite proper, Sir, and that will have a unifying effect. I would also like to stress that at least a portion of the judges of various High courts should be transferred from one State to another. I know some States are not agreeable to this. It is very essential to have unbiased judges. What happens today is this. We are just carrying on with our old ideas, but we do not know what will happen in about ten or fifteen years. Fissiparous tendencies show their heads up and if there is no uniformity in quality and equipment it will spell tragedy.

Then, Sir, I have referred to the All-India Bar. I would like to plead that there must be a panel of junior lawyers in every State who will appear for the Union Government and the State Government in tax cases, railway cases, etc. I am handicapped to speak much on this because I appeared recently in a Railway case. So, I cannot give more details. But I wish to state this, Sir, that the lawyers are chosen by the Railways merely by patronage. If the Manager of the Railways likes a person he is chosen although that person may be sometimes poorly equipped. There are so many good and deserving juniors, well-equipped persons, in various States. You can have ten or twelve of them in a panel in each State. Let

them appear in the tax cases, in the railway cases etc. They will acquit themselves very creditably. I hope this suggestion will meet with the approval of the Law Ministry.

With regard to stamps, Sir, it is a crying shame that we have *ad valorem* duty on stamps in some States. It is seven and a half per cent in Madras. What happens is this. Suppose there is a dispute in a case relating to over ten grounds of land in a city and the value is a lakh of rupees. You will have to pay something like seven or eight thousands of rupees for stamps alone. That is hardly proper. It prevents what are called border cases from being filed at all.

With regard to that aspect of the matter, the Law Commission, at page 494, say this:

"However, even if the view were taken that the cost of the administration of civil justice should fall on the civil litigant it is obviously unjust that he should be made to pay not only such cost but also the cost of the administration of justice as a whole including justice administered in the criminal Courts. Such a view is obviously unsustainable. That, however, as we shall point out later appears to be the view accepted in most of the States. Some States like Uttar Pradesh seem to go even further and add to the general revenues from the proceeds of the administration of justice."

We find, Sir, that this forms such a huge income in the case of the State Governments and they thrive on it. "To no one will we sell Justice"—is an axiom that is as old as the *Magna Carta*. They are clubbing administration of criminal justice along with the administration of civil justice. I am glad that the Law Commission have pointed this out.

13.24 hrs.

[Mr. Deputy-Speaker in the Chair]

So far as the Union Government is concerned, we have had the decision

[Shri C. R. Pattabhi Raman]

writ against Election Commission Vs. Saka Venkata Rao (A.I.R. 1953 S.C. 210). There, the Supreme Court has held that the jurisdiction under article 226 can be exercised only if the authority against whom the order or direction is sought to be obtained is located within the territorial jurisdiction of the High Court. I would like to amplify this. What happens is this. If a man from the State of Madras wants to file a writ against the Union Government, he has to come to Delhi and file it perhaps before a Division Bench of the Punjab High Court in Delhi. The Parlakimedi case analogy has been stretched. I hope suitable legislation will be introduced to see that the writ jurisdiction under Article 226 in these cases is extended to the State High Courts also.

Then, Sir, I would like to say something about the Benevolent Fund. The lawyer is an unfortunate person. He has to work very very hard. There is no provision of any kind to help him by way of pension. I am glad to say that there is a Benevolent Fund in Madras of nearly half a lakh of rupees and that five or six lawyers are helped with a few hundreds of rupees every month. I would like to say something about the position obtaining even in Moscow where the lawyer is not very important. I was there in November with the Lawyers' Delegation. What happens there is this. Out of the person's fee, twenty per cent is taken back by the Presidium or Collegium of various lawyers. That is preserved and that is given to them with a holiday at the expense of the Collegium. Now, I feel that something like that should be done for the lawyers in India.

With regard to legal aid, the Commission has something very definite to say. This appears in page 588. Seven clauses have been mentioned there. They recommend that:

"(1) Representation by a lawyer should be made available at Government expense to accused persons without means in all cases tried by a court of session;

(2) Representation by a lawyer should be made available at Government expense to applicants without means in proceedings under section 498 of the Criminal Procedure Code;

(3) Representation by a lawyer should be made available at Government expense to an accused person without means at the time of the final hearing of a jail appeal which has been admitted...."

and so on and so forth. Now, I need not take the time of the House detailing those clauses. I have no doubt that necessary legislation will be effected so far as that matter is concerned.

The lawyer has played a very great role not only in our freedom struggle but later on as a defender of Fundamental Rights. He is perhaps sometimes treading on corns and I know, Sir, sometimes he even becomes unpopular. He is not worth his salt if he refuses to accept a case; he must accept any case whenever he is approached. But, Sir, the moment any lowering of the status of the lawyer and the courts of law takes place, that moment democracy will collapse in India. Thank you, Sir.

Mr. Deputy-Speaker: The following are the selected off motions relating to the Demands under the Ministry of Law which will be treated as having been moved subject to their being otherwise admissible:—

Demand No.	No. of Cut Motion
70	321, 322, 323, 361, 241, 312, 338, 400, 510, 511, 512, 513, 656.

71	657, 658, 659, 660.
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Codification and revision of Statute Laws, Civil and Criminal

Shri Warier (Trichur): I beg to move:

"That the demand under the head 'Ministry of Law' be reduced to Re. 1."

Need to reform the judicial system

Shri Warier: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced to Re. 1."

Constitution of Central Agency for conducting cases before the Supreme Court

Shri Warier: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced to Re. 1."

Free legal aid to the poor in judicial processes

Shri Warier: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced to Re. 1."

Need to implement the recommendations of the Law Commission

Shri Supakar (Sambalpur): I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Working of the Law Commission and the inordinate delay in submitting its reports

Shri Kadiyan (Quilon—Reserved—Sch. Castes): I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Need for appointment of full-time members for the Law Commission for expediting working of statute revision

Shri Kadiyan: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Failure to provide simple, cheap and speedy justice to the poor

Shri M. B. Thakore (Patna): I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Question of appointments to the judiciary

Shri P. R. Patel: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Failure to keep the judiciary free from executive influence

Shri P. R. Patel: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Need to minimise the cost of litigation before the Supreme Court

Shri P. R. Patel: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Need to appoint a permanent Commission to revise Acts and Rules

Shri P. R. Patel: I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Failure to provide a cheap, simple, and quick legal procedure for the people

Shri B. Das Gupta (Purulia): I beg to move:

"That the demand under the head Ministry of 'Law' be reduced by Rs. 100."

Need for speedy disposal of election cases by the Election Commission

Shri B. Das Gupta: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 100."

Failure to prepare correct electoral rolls

Shri B. Das Gupta: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 100."

Need to prepare electoral rolls in Bengali for the districts of Dhanbad, Singhbhum and Santhal Parganas

Shri B. Das Gupta: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 100."

Failure to provide suitable arrangements for electors in polling booths during elections in rural areas

Shri B. Dasgupta: I beg to move:

"That the demand under the head 'Elections' be reduced by Rs. 100."

Mr. Deputy-Speaker: These cut motions are before the House.

Shri Khadilkar: I am given to understand that some hon. members who spoke after me have referred to my speech and said that I had made a reference that the judiciary should be subordinate to the executive. I never made that statement. What I said was that the judiciary in the context of our Constitution is subordinate to the final sovereign authority of this Parliament. That is all.

The Minister of Law (Shri A. K. Sen): That is true. That is what the hon. Member had said.

Shri Raghunath Sahai (Badaun): Mr. Deputy-Speaker, Sir, I take this opportunity for offering my congratulations to the eminent members of the Law Commission who have

produced a very admirable report. I consider that that report is well worth consideration by the hon. Members of this House.

Sir, the reading of that report discloses a number of disquieting features in the administration of justice in our country. There are no two opinions in this country that the independence of judiciary should be maintained and the respect in which it is held should also be maintained. But, as I just remarked, certain disquieting features in our administration of justice have been pointed out by the hon. Members of the Law Commission.

One of them is the falling of standards in our courts, and what is being talked about by every man in the street, by lawyers in every Bar room has now got the stamp of the authority of the Commission's opinion. The Commission has pointed out that the judges have become very accessible to the public and they can be entertained by any and everybody. I just listened to the remarks of my hon. friend, Shri Khadilkar, who said that everything should not be borrowed from England but at least good traditions and good points from British Administration of Justice should be borrowed by us. The Commission has pointed out:

"It appears to us that such behaviour by the judges must lead to a loss of high respect in which the judges should be held by the community. If the public is to give profound respect to the judges, the judges should by their conduct try and deserve it. It appears to us that not only in the performance of his duties but outside the court as well a judge has to maintain an aloofness amounting to almost self-imposed isolation."

I do not think that anybody who has had any connection with the profession of law and with these courts

would join issue with these remarks. There is a noticeable deterioration in the quality of the work done by some of our judges. Not only that judges have become so easily accessible to the public and people can talk to them anything they like, the quality of their work has deteriorated very much.

Sir, there are some deplorable trends that we ought to take notice of in our law courts and for which we should feel anxious. Even in lower courts where the rulings of some of the judges of the High Courts are being quoted and where formerly these rulings were regarded with very great esteem, I am sorry to say that in some cases even the Presiding Officers of lower courts just pass remarks that because a certain ruling is coming from a certain judge no notice need be taken of that. I do not think that under the present rules and regulations, under the present discipline such remarks can be tolerated. I am stating a fact that such remarks are being made, and that shows in what esteem the Presiding Officers of lower courts hold some of the judges of our High Courts.

Sir, recently a Bill for amending Criminal Procedure Code standing in my name was ordered to be circulated by this House for eliciting public opinion. Three volumes of opinions on that Bill have already been received, and one of them will be circulated within the next two or three days. When that Bill comes up we will go in detail about the various opinions that have been received, but, Sir, allow me to say that I have been astounded by some of the opinions that have been mentioned in those volumes given by some of the High Court judges. They have simply astounded me, and all that I can say at the present moment is that that shows confusion of thought, confusion on law and confusion on jurisprudence by those honourable persons.

Now, all these things lead to loss of faith in the system of justice—thank

God, the loss of faith has not been entirely taken place. But there are trends going in that direction, and if we do not take note of that, perhaps we might repent.

One of the causes of the deterioration in our administration of justice is, as has been pointed out by the Law Commission, the system of the appointment of judges. The Law Commission has pointed out that the appointment of these High Court judges should be entirely left to the Chief Justice of the particular High Court who should make that appointment in consultation with the Chief Justice of India. I entirely agree with that. The present provision laid down in article 217 of the Constitution says that the consultation with the Governor of a State is necessary which means that the Chief Minister should be consulted. That is certainly responsible for this deterioration, and I am one of those who agree with the recommendations of the Law Commission that article 217 of the Constitution should be suitably modified.

There is another factor that is responsible for the deterioration in the administration of justice and also for the diminution of the respect in which our judges are to be held. That is, they are allowed private practice after their retirement. This practice has been deprecated by the Law Commission. Even High Court judges after retirement are prone to take up practice, not in the particular High Court from which they have retired but in other High Courts. The District Judges who have retired after the age of 55 or 56 take up practice in their own districts, and they even visit the courts of honorary magistrates and benches thereof. All that diminishes the respect in which a judge ought to be held.

I entirely agree with the remarks that have been made by some of my hon. friends on the opposite side that a judge should not be given a further appointment ordinarily by the Government after his retirement. The

[Shri Raghubir Sahai]

instance was quoted of Mr. Justice Chagla who has been recently appointed as our Ambassador. He is doing very admirable work as an ambassador. His qualifications are not in question. But the fact is that the particular judge, who sitting on the Law Commission has subscribed to this recommendation that a judge after retirement should not be given any further appointment, has accepted the appointment given by the Government. I hold Government responsible for this and also the particular person who has accepted that office. He should have guts enough, even though the offer was made by the Government, to refuse it in order to maintain the high traditions of the judiciary.

Sir, one point that I have missed in this admirable report is about the falling of standards in the case of lawyers. The members of the Commission have only offered one or two remarks about the fall in efficiency of the Bar, but they have not gone deeply into that problem. Sir, one the one hand we deprecate or deplore the fall in efficiency of the judges. We take objection to some of their appointments and the manner in which they are appointed. On the other hand, we should be equally anxious to see that there should be no fall in the standard of lawyers. There is tourism prevailing in almost every court. There is corruption prevailing almost everywhere in the precincts of the courts. There is nepotism going on. Fawning on officials has become a daily practice. All these points should have been noticed by the Law Commission, and they should have pointed out some remedy for them. The Law Commission has pointed out that there is overcrowding in courts and the talents that are coming to the Bar are not of the requisite type, and that the lawyers are eking out their existence. All that is true, but that is no justification for the fall in their standards.

With your permission, I can give one example which will illustrate this point. There was a judicial officer in my own district. He was not a permanent appointee. The entire Bar of that place had a grievance against him to the effect that he was taking illegal gratification. Although I am not a practising lawyer I keep company with lawyers. When I happened to go to that place, those lawyers pointed out to me complaints against this particular judicial officer and I said, "Well, I can espouse your cause, and take your grievance to the proper authorities". Alongwith those people, I saw the District Magistrate. I wrote a representation to the Chief Minister, and it so happened that within a very few days, as the officer was not a permanent appointee, his services were dispensed with. That man was all along staying at that very particular place. The next day, after the orders had been received, that particular judicial officer called on me. He saw me and told me that he has been rightly served with punishment for his faults, but asked me what punishment was going to be meted out to those lawyer friends of mine who were privy in securing illegal gratification for him. I had no reply. This is a very deplorable and a very pitiable aspect. I am sorry that the Law Commission has not said one word about it. If we are anxious and if we are jealous that the standard of judiciary should be high, we are equally anxious that the standard of the Bar should be high.

In this connection, I would also point out that it is an accepted maxim that justice should be free, justice should be cheap and justice should be swift. But here in India things are just the reverse. The honourable members of the Law Commission have deprecated this practice of selling justice at a price, and they have said that the court-fees that we charge are extortionate. They say:

".....the fee that we charge is so excessive that the civil litigant seeking to enforce his legal rights pays not only the entire cost of administration of civil justice but also the cost incurred by the State in prosecuting and punishing criminals for crimes with which the civil litigant has no concern".

This is a very serious state of affairs that we should look into. They have quoted the remarks of a former Chief Justice of the Madras High Court who has said that "he was amazed at the high court-fees charged in India" Such high court-fees are not charged in England. We have not copied that. We have copied many other things from England but we have not copied this reduction of court-fees from there.

These are some of the important points that I wanted to bring to light at the present moment. I feel that the report is of a very important character, and considerable time should be permitted for its threadbare discussion. That opportunity may be given either during this session or some time after. But this report is well worth consideration.

। पंडित ठाकुर दत्त भार्गव (हिसार)

जनाब डिप्टी स्पीकर साहब

Mr. Deputy-Speaker: The hon Member may sit and speak.

पंडित ठाकुर दत्त भार्गव. आपकी बहुत मेहरबानी। आपकी एडवाइस के मुताबिक और साधियों की एडवाइस के मुताबिक मैं अब हाउस में बहुत कम बोलता हूँ और आज भी मेरा बोलने का इरादा नहीं था...

उपस्थित नहीश्वर : [हमारी एडवाइस तो यही थी।

जी ब्रजराज सिंह (फिरोजाबाद) : सब की इच्छा यही है कि आज भी आप ज्यादा न बोलें।

पंडित ठाकुर दत्त भार्गव : मैं इतना ज्यादा नहीं बोलूंगा जिस से कि उस एडवाइस की अवहेलना हो।

जिस तरह से ला मिनिस्ट्री की डिमांड्स पर यहाँ पर बहस हो रही है उसे देखकर मुझे हैरानी होती है। ला मिनिस्ट्री का काम आज तक इस देश में इतना अधिक और इतना बड़ा नहीं रहा है जिसके ऊपर कि क्रिटिसिज्म किया जा सके। ला कमिशन की रिपोर्ट हमारे सामने आई है और उसके अन्दर बहुत सी ऐसी बातें लिखी हुई हैं जिन को पढ़ कर के हमें शर्म आती है। लेकिन इस में ला मिनिस्टर साहब का या ला मिनिस्ट्री का क्या कसूर है। ला मिनिस्ट्री का तो यह काम नहीं है कि कहीं पर वह एक्साइटमेंट थाफ हाई कोर्ट जस्टिस में हिस्सा ले, ला मिनिस्टर साहब का काम नहीं है कि जस्टिस के ऊपर ऐसे बोलें जैसे कि सुप्रीम कोर्ट के जजिस बोलते हैं या हाई कोर्ट के जजिस बोलते हैं। उसका काम उस तरह का भी नहीं है जिस तरह का कि दूसरी मिनिस्ट्रीस का है। उसका काम सिवाय एक दो चीजों के बहुत छोटा सा है और उसका बिना इस रिपोर्ट में किया गया है और कहा गया है।—

"The main functions of the Ministry of Law are to advise other Ministries and Departments of Government on legal matters including conveyancing and litigation, to draft Central Bills, Ordinances and Regulations and follow them up in their various stages up to their enactment or promulgation, to draft Bills and Ordinances for States, whenever necessary, to scrutinize statutory rules and orders from the legal and drafting points of view and to make arrangements for the publication of Central enactments as and when necessary in a convenient form."

इसके अलावा उसका कोई सा काम ला कमिशन के सम्बन्ध में और साथ ही साथ

[पंक्ति ठाकुर दास भायंब]

इनका टैक्स एपिलेट डिफेन्समें के सम्बन्ध में है। इन कुछ एक कामों के अलावा या मिनिस्ट्री का कोई और ऐसा काम नहीं है जिसकी जिम्मेवारी उसके ऊपर बोनी जा सके या जिन के लिये उसको वायबल करार दिया जा सके।

मेरे दोस्तों ने कहा है कि या मिनिस्ट्री का काम ज्यादा बढ़ा दिया जाया चाहिये और या मिनिस्ट्री को अक्षतपार दिया जाना चाहिये कि सारे साब के मुताबिक वह अपनी रायबनी कर सके। ऐसे या बनाने की इजाजत नहीं होनी चाहिये जिनको कि या मिनिस्ट्री पास न करे और जब उच्चों के मुताबिक उन साब को यहां पर पेश ही नहीं किया जाना चाहिये। मैं समझता हू कि ऐसा रोल प्राय या मिनिस्ट्री का नहीं है और न ही उस रोल को धरा करने के वह काबिल है क्योंकि ये सब उसकी जूरिस्डिक्शन में नहीं आते हैं। प्राय ये सब चीजें उसकी जूरिस्डिक्शन में होती तो मैं समझता हू कि बहुत से कानून जो इस हाउस के अन्दर आते हैं और जो कि उन उच्चों के खिलाफ होते हैं जिन उच्चों को कि हमने अपनी कांस्टीट्यूशन में रखा है, वे कभी भी न आते और उनको पेश करने की या उनको पास करने की या मिनिस्टर साहब इजाजत न देते। मैं इस बात में शामिल होना चाहता हू कि हमारी कन्फिडेंसिबिलिटी है कि हमारे या मिनिस्टर साहब नीजवान और कानूनवा हैं और अगर उनकी नजरों से वे कानून गुजरते—जैसे कि गुजरने चाहिये वे—और उनके अन्दर उनका दखल होता और वह वह कहते कि यह कांस्टीट्यूशन के खिलाफ है या कानून के खिलाफ है तो वे कानून इस हाउस के अन्दर आने नहीं चाहिये वे मुझे डर है कि अभी तक उनके इस फंक्शन को न दूसरी मिनिस्ट्री मालती है और न ही वह खुद ही मालते हैं। अगर वह चीज प्राय हो जाये तो मुझे ज्यादा कुछ कोई नहीं होना क्योंकि मैं चाहता हू कि या मिनिस्ट्री और या मिनिस्टर साहब

इस देश के उच्च तरह से वास्तव होनी चाहिये जिस तरह से कि सुप्रीम कोर्ट ऑफ़ नेशनल राइट्स की वास्तव है। इसी तरह से डायरेक्टिव प्रिंसिपल की और दूसरी चीजों की वास्तव या मिनिस्ट्री और या मिनिस्टर साहब होने चाहिये और कोई भी कानून इस हाउस में ऐसा नहीं आना चाहिये—साथ ही साथ इस देश के अन्दर भी—जो कि कांस्टीट्यूशन के मुताबिक न हो। लेकिन हम हर रोज देखते हैं कि कांस्टीट्यूशन के खिलाफ जो कानून होते हैं वे भी यहां आते हैं, उसमें या मिनिस्टर साहब का कोई दखल नहीं है, उनको दूसरे मिनिस्टर खुद ही लाते हैं और वही जगह करते हैं। हम तो या मिनिस्टर साहब की या बिट्टी या मिनिस्टर साहब की शक्त यहां जब भीको पर ही देखते हैं और वह भी उन भीकों पर जब कोई कानूनी मुद्दा पेश होता है। इस बाते में चाहता हू कि या मिनिस्ट्री का काम उतना ही नहीं रहना चाहिये जितना कि प्राय है और उससे बहुत ज्यादा होना चाहिये।

या कमिशन की रिपोर्ट का भी यहां जिक्र किया गया है। उसकी बात में यह रहना चाहता हू कि मुझे धक्का है कि इस रिपोर्ट को पढ़ कर जितना डिस्कवेट। इस हाउस में जाहिर किया गया है; उससे कहीं ज्यादा इस देश के अन्दर हुआ है। मुझे कहना यह चाहिये कि अगर कोई मुझसे पूछे कि इस देश के अन्दर क्यों नेपाटिज्म है, क्यों इस देश के अन्दर कम्यूनलिज्म है, क्यों इस देश के अन्दर कराबिया है, क्यों करप्शन है, तो इस रिपोर्ट को पढ़ने के बाद मुझे कहने में जरा की साम्मन नहीं होना कि :

“गर कुछ धन काया कर खेज, कुवा
कबब मुसलमानी”

सुप्रीम कोर्ट और हाई कोर्ट्स कमेज के अप्वाइंटमेंट में कम्यूनलिज्म, पोपिटिज्म इन्फुएंस और टीजनलिज्म दालिज हीने

हुने मैं पूछना चाहता हूँ कि किसने भी मिनिस्टर्स और चीफ मिनिस्टर्स स्टेट्स के हैं वह क्यों न मनमाना कम्प्यूनिज्म करें, क्यों न वह सारे काम ऐसे करें जो उस वक़्त के मुताबिक हों जिसमें इस वक़्त हिन्दुस्तान गढ़ है ? नीचा मैं कहा है :

“यद्यथाचरति श्रेष्ठस्तत्तदेवोत्तरा जनः ।
त यत्रमानं कुर्वते लोकस्तत्तदुत्तरं ॥

14 Jan.

सुप्रीम कोर्ट और हाई कोर्ट्स के जजेज किस तरह मुकदरों किये गये हैं यह मैं इस किताब में से पढ़ कर सुनऊँगा जिसे कि सा कमिशन ने लिखा है । वे जजेज मुकदरों तो प्रेजिडेंट के नाम से होते हैं लेकिन मुकदरों करने वाले असल में कैबिनेट के मिनिस्टर्स साहबान होने, जो कि हमारे प्रेजिडेंट साहब को एडवाइस करते हैं । अगर यह दुस्त है तो मैं पूछना चाहता हूँ कि किसने कम्प्यूनिज्म किया है ? किसने पोलिटिकल इन्फ्लुएंस को दाखिल किया ? आज हाई कोर्ट के और सुप्रीम कोर्ट के जजेज क्यों इसका नहीं कर सकते ? क्योंकि वह पालिटिकल के क्लिबर हैं, क्योंकि उनके अप्पाइंटमेंट में कम्प्यूनिज्म को दाखिल किया गया । मुझे याद है सन् १९४७ में जिस वक़्त पाकिस्तान हुआ उसके पहले क्या हालत थी । जब पुराने पंजाब के हाई कोर्ट में जजेज फैसला करते थे तो यह होता था कि अगर मुसलिम मुसलमान है और जब भी मुसलमान है तो मुसलिम बरी हो जाता था, अगर मुसलिम हिन्दू है और जब भी हिन्दू है तो भी मुसलिम बरी हो जाता था । यह हालत आज नहीं उस वक़्त थी जब कि यहाँ पर ब्रिटिश गवर्नमेंट थी । क्योंकि जिसने भी अप्पाइंटमेंट्स होते थे वह कम्प्यूनिज्म बेसिस पर होते थे । पुराने जमाने के एक बड़े चीफ जस्टिस साहब हिस्लार लक्षरीक ने गये क्योंकि वह सर्विसों और मुहरिनों की दो रुपये की रिबरस बन्द करना चाहते थे । बार एसोसिएशन में सीटिंग हुई । उस सीटिंग

में लेक्चर देने के बाद उन्होंने कहा कोई बकील अगर कुछ कहना चाहे तो कह सकता है । मैं उस वक़्त असेम्बली का मेम्बर रह चुका था और मुझे बुरैस की कि जो असल बात हो उसे कहूँ । मैंने पूछा कि आप सर्विसों और मुहरिनों की दो रुपये की रिबरस बन्द करने जा रहे हैं, लेकिन कुछ और सुनने की हिम्मत है ? उन्होंने कहा कि मैं जो कुछ कहूँगा वे सुनेंगे । मैंने कहा कि सुनिये । आप के सुपरिन्टेण्डेंट पुलिस रिबरस लेते हैं, वह मंजूर हैं, उन को पकड़िये । मैंने डिप्टी कमिशनर के लिये कहा कि वह रिबरस लेते हैं । एक-एक घाने से २१, २१ हजार रुपया बंटा हुआ है । क्या आप यह सब सुनने के लिये तैयार हैं ? उन्होंने जवान धवा सी और कुछ नहीं बोले । मैंने कहा कि एक और बात कहनी है । आप का सारा सिस्टम ५६ परसेन्ट सिविल पोस्ट्स मुसलमानों को देता है, इतनी सिबों को देता है, इतनी हिन्दूओं को देता है, तब क्या आप उम्मीद करते हैं कि सारे क सारे लोग कम्प्यूनिज्म नहीं बनें ? वह इस का कुछ जवाब नहीं दे सके । शाम को वह मुझे एक जगह पर मिले और कहा कि तुम ने मुझ से बड़े-बड़े सवाल किये । मैंने कहा कि सवाल तो बड़े किये पर उनका जवाब मुझे नहीं मिला । उन्होंने कहा कि जवाब कुछ नहीं है । जवाब यह है कि हिन्दुस्तान का जो पुराना सिस्टम था वह बड़ा धाला था, जिस में जो हायेस्ट घाबरी होता था वह दूनिया से बिरफ्त होता था, किसी को रियायत मंजूर नहीं करता था । लेकिन बुकि हम जजेज इस तरह से बनाते हैं तो फिर उस का नतीजा बड़ी निकलेगा । जिस वक़्त हमारा कांस्टिट्यूशन बन रहा था उस वक़्त मैंने धर्य किया था—उस वक़्त कांस्टिट्यूशन के मुताबिक सुप्रीम कोर्ट में सत्त जजेज थे, सप्टेन्टि की तरह से हैं, अवकाशाल टेम्परेनरी, अवकाशाल इन्फ्लुएन्स होने । जो कि परवाह

[पंजित ठाकुर दास भार्गव]

नहीं करेंगे एग्जिक्यूटिव की धीर पूरी तरह से इन्साफ करने। सुप्रीम कोर्ट के जजेज बनाते वक्त एक्स्ट्रेनिक्स कंसिडरेशन रखे जाते हैं। जिस वक्त यहां पर सुप्रीम कोर्ट धीर हार्ड कोर्ट्स के जजेज की कंसिडरेशन थाफ सर्विसएंज पेन्शन का बिल आया उस वक्त मैं ने कहा था कि मुझे मासूम है कि सुप्रीम कोर्ट में किस तरह से जज बनाये जाते हैं। वे धीर किसी भी कंसिडरेशन के अप्वाइंट होते हैं लेकिन कम से कम मेरिट्स पर नहीं आते हैं। मैंने जो कहा था वह अपनी प्राइवेट नालेज की बिना पर कहा था। मैं कम से कम पंजाब हार्ड कोर्ट के जजेज के बारे में जानता हूं। अभी चन्द अप्वाइमेंट्स हुये। मैं हार्ड कोर्ट के सीमा के पास गया, बार में गया, जजेज से मिला, बार एसोसिएशन के मेम्बर से मिला। मैं उन साहबान से बाकिफ नहीं था जो जब मुकर्रर किये गये। एक साहब ने कहा कि एक सक्स जो टारटिज्म का सब से बड़ा एक्स्पोजेन्ट है, वह हार्ड कोर्ट का जज बनाया गया है। एक धीर सक्स जो हर तरह के इन्सुएजेज को मानता है, जिस की प्रैक्टिस ऐट दि बार कुछ नहीं थी, वह अप्वाइंट किया गया। मैं सुन कर धर्म के मारे गड़ गया। यहां जब बिल आया तो मैंने धर्म किया, होम मिनिस्टर साहब के सामने धर्म किया कि ऐसी शिकायतें हमारे सामने आई हैं धीर वह डूबत है। इसी वास्ते कि० ऐन्वनी ने चन्द जजेज के बारे में जो कुछ कहा उस को सुन कर मुझे बड़ा रंज हुआ। की शिकायत भी उस की ताईद हमारे ला कमिशन थाफ इंडिया ने जो किताब लिखी है उस से पूरी की पूरी होती है। जिन अलफ्राज में उन्होंने कंटेन्नेशन किया वह हायेस्ट कंटेन्नेशन थाफ दि गवर्नमेंट है। इससे ज्यादा कोई कंटेन्नेशन नहीं हो सकता। इस देश से कम्यूनलिज्म कभी नहीं हट सकता जब तक सुप्रीम कोर्ट धीर

हार्ड कोर्ट के जजेज के अप्वाइमेंट में, जैसा कि ला कमिशन ने कहा है, इन्सुएजेज काय करता है।

अभी एक साथी ने पूछा कि एक मजिस्ट्रेट को हटाया गया। धीर जो वकील मैजिस्ट्रेट को रिस्वत दिलवाते थे उन को हटाया गया या नहीं। मैं पूछना चाहता हूं कि उन होम मिनिस्टर को या धीर जो मिनिस्टर थे जिन्होंने सिफारिशें धा कर की धीर उन चीफ मिनिस्टर को जिन्होंने जजेज को मुकर्रर कराया, उन को कोई सजा दी जायगी? उन के साथ कोई इस तरह का बर्ताव किया जायगा कि क्यों उन्होंने इस देश के अन्दर इस सोर्स थाफ जस्टिस को गंदा कर दिया, जिस की बजह से सारे देश के अन्दर सिंवा गन्दगी थाप के दुसरी चीज चलेगी नहीं? क्यों एक छोटे भादमी को पकड़ते हैं, क्यों एक मुंसिफ को पकड़ते हैं जो किसी के साथ रियायत करता है, क्यों एक छोटे से जज को पकड़ते हैं जब कि सारे देश का हाल यह है? मैं इस किताब को पढ़ना चाहता हूं। सफा ६९ पर जो लिखा है उस को पढ़ कर हर एक वैट्रियट को सिंवा रोने के कुछ बिज्बाई नहीं देता। सफा ६९ पर जो कुछ लिखा हुआ है वह किन अलफ्राज में लिखा जायगा? मोल्डेन अलफ्राज में नहीं वह डार्क लेटर्स में लिखने के काबिल है। यही नहीं वह ३८ करोड़ गरीब हिन्दुस्तानियों के खून से लिखे जाने के काबिल है जिन की किस्मत पर यह कैबिनेट बैठी है। उस में लिखा हुआ है कि हमारे प्रेजिडेंट के नाम पर कितना अलफ्राज किया गया है। इसमें लिखा हुआ है:

"The almost universal chorus of comment is that the selections are unsatisfactory and that they have been induced by executive influence. It has been said that these selections appear to have proceeded on no recognizable principle and seem to have been made out of considerations of political

expediency or regional or communal sentiments. Some of the members of the Bar appointed to the Bench did not occupy the front rank in the profession, either in the matter of legal equipment or of the volume of their practice at the Bar. A number of more capable and deserving persons appear to have been ignored for reasons that can stem only from political or communal or similar grounds. Equally forceful or even more unfavourable comments have been made in respect of persons selected from the services. We are convinced that the views expressed to us show a well-founded and acute public dissatisfaction at these appointments. The observations made by Chief Justice Kanis referred to by us elsewhere that merit alone should be the basis for selection to the High Court judiciary seems to have been completely overlooked."

इस के अलावा और ज्यादा बात मैं कोर्टोफिस को पढ़ कर हाउस में नहीं लेना चाहता लेकिन एक बात अनाद की बिदयत मैं पढ़ कर सुनाना चाहता हूँ :

"A Judge of a High Court has said:

"If the State Ministry (Minister in the State Government) continues to have a powerful voice in the matter, in my opinion, in ten years' time, or so, when the last of the Judges appointed under the old system will have disappeared, the independence of the judiciary will have disappeared and the High Courts would be filled with Judges who owe their appointments to politicians."

इसके अन्दर बहुत सी और बातें भी लिखी हुई हैं जो कि इससे भी ज्यादा सत्य है। एक चीफ जस्टिस आफ इंडिया का कोर्टेशन है जिस को पढ़ कर मालूम होता है कि यजब

हो गया। सिर्फ एक्जिक्यूटिव के अन्दर नहीं, जूडिसियरी के अन्दर भी जो भिन्नविन्न किया गया है। चीफ जस्टिस आफ दि हाई कोर्ट्स का वह भी इतना सत्य है कि उसे पढ़ कर चर्म घाती है। वह कहते हैं कि इस सिस्टम की वजह से जो अप्पाइंटमेंट की रिकमेन्डेशन है वह पहले निकलती है चीफ जस्टिस आफ दि हाई कोर्ट से, फिर जाती है चीफ मिनिस्टर और स्टेट के गवर्नर के पास, फिर चीफ मिनिस्टर कई दफा अपने प्राप डाइरेक्ट होम मिनिस्टर के पास रिकमेन्डेशन भेजता है। हाई कोर्ट को पता भी नहीं लगता कि किस की रिकमेन्डेशन है और वह आदमी मुकर्रर हो जाता है। इस की वजह से कई चीफ जस्टिस बहुत सोच विचार करके रिकमेन्डेशन करते हैं कि कहीं ऐसा न हो कि कोई ऐसा जब उस के सिर पर बोप दिया जाय जो उस की मंशा के मुताबिक न हो और हास खराब हो जाय। इस वरज से चीफ जस्टिस अपनी राय यह बनाते हैं जो कि चीफ मिनिस्टर की है। इसके माने सीधे यह है कि इन हाईकोर्ट्स और सुप्रीम कोर्ट को बंद करो और यहां पर डिप्टेस रूल और प्राबिटेरी रूल होना चाहिये अगर हमारे जजेज की यही क्वालिटी है। मुझे यह कहते हुये चर्म घाती है। मैंने ५० वर्ष से ज्यादा इन अदावतों में प्रैक्टिस की है और मैंने दो तीन वर्ष से पहले यह कभी नहीं सुना था कि हाईकोर्ट्स के जजेज के पास सिफारिशें पहुंचती हैं और एनफुलेंस बर्क करते हैं। लेकिन मुझे अब इस बात का यकीन हो गया है कि हाई कोर्ट्स में इतना बिटोरियेशन हो गया है कि लोग यहां पर जाकर सिफारिश बगैरह करने की जुरत करने लगे हैं। अब यह तो कहना मुश्किल है कि उन सिफारिशों का असर कितना होता है लेकिन अब चूंकि यह चीजें चलने लगी हैं और लोगो को पता है तो वे यह कहे बगैर नहीं रह सकते कि उन चीजों का असर भी होता है।

[पंजिन उत्तर काच मार्च]

एम्पीक्यूटिव और चीफ मिनिस्टर्स की जो हाउस है वह मैं आपके सामने बर्ष नहीं करना चाहता। मैं अपने हार्डकोर्ट्स की बुराई नहीं करना चाहता लेकिन यह मेरे हृदय में धारा है और मुझे मासूम हुआ है कि किस तरह चीफ मिनिस्टर्स का जिन मुकदमों से बास्ता हो उसकी सुनवाई की तारीख बढ़ा दी जाती है। ठाकुर क्रमाने जब के सामने उनकी एम्पीकेशन सुनी जा सके। कहने का मतलब यह है कि इतना डिटीरियेशन हमारे अन्दर आ गया है। इस देश के अन्दर जो स्टैंडर्ड ब्रिटिश बस्ति का या भाव यह कायम नहीं है यह मुझे बहुत अफसोस के साथ कहना पड़ता है। भाव अन्दर हार्डकोर्ट्स और सुप्रीम कोर्ट पर से लोगों का कौनकौनसा जाता रहा तो इस देश की सौलिव रीक के अन्दर एक म्मीब पैदा हो जायेगी, एक बरार पड़ जायेगी। धावन्दा के बास्ते जो भी कोई यहां पर होम मिनिस्टर हों, जो भी कोई यहां पर ग्राइम मिनिस्टर हों, या प्रेसीडेंट साहब हों, मैं बहुत अफस के साथ बर्ष करना कि ऐसी शिकायत फिर हाउस के अन्दर कभी नहीं जानी चाहिये। धावन्दा कभी किसी या कमिशन को यह कहने का मौका नहीं होना चाहिये कि यह यह कह सके कि सिबाब मैरिट के और कोई चीज कंसिडरेशन में आई। मैरिट कंसिडरेशन पर ही कोई सक्स हार्ड कोर्ट्स या सुप्रीम कोर्ट का जब मुकदर किया जाये। मैंने अनाब की सज्जह इस तरह दिखाई। हो सकता है कि मैंने अपने फ्रस्टेशन में धावद कुछ उकरत से ज्यादा सक्स सज्ज इस्तेमाल किये हों। मैं महसूस करता हूं कि मेरे पास और सक्स अल्काज नहीं हैं जिनको कि मैं इस चीज को कंडेम और डिफिट करने के बास्ते इस्तेमाल कर सकूं कि इन ऐम्पामेंट्स में सिबाब मैरिट के कोई और कंसिडरेशन इंटर करता है। धन किच तरह के कि

मजकूर काके की संघी के दिल्ली के सिने पीने वाला पानी गन्दा और धानहीली हो गया और उसको पी कर लोगों में बीमारियां फैलीं उसी तरह हमारी जुडिशिएरी में के बिने नेपोटिज्म, कम्युनिज्म और क्रैपरेटिज्म की गन्धी नहीं जायेगी तो हमारे देश के लोगों का विश्वास जुडिशिएरी से उठ जायेगा और यह देश के बास्ते और डेमोक्रेसी के बास्ते बढ़ा सराब होगा। जब मैं देखता हूं कि हमारी कैबिनेट और सारे मोम सुबह से शाम तक सिबाब निपोटिज्म और करप्शन को कंडेम करने अलावा कोई दूसरा काम नहीं करते तो यही कहना पड़ेगा कि "कीबलर मेंड राई सब"।

इसके अलावा अनाब नुलाहिबा क्रमाना है कि हमारे कांस्टीट्यूशन के ५० में सैक्शन में लिखा हुआ है कि जुडिशियरी के और एम्पीक्यूटिव के कंक्लू अलहिदा होंगे, सैप्रेट होंगे लेकिन मैं देखता हूं कि जिस वक्त यहां पर क्रानून बनाते आते हैं उस वक्त वह चीज नहीं देखी जाती। मैं जानरेबुल सा मिनिस्टर की खिद्यत में बर्ष करना... मुझे अफसोस है कि वह ऐन मौके पर उठ कर जा रहे हैं, और जो मैं बर्ष करने चला हूं उसको उनके डिटी साहब नोट कर लेंगे।

(विधि मंत्री सबन् के बाहर न जा कर अपनी जगह पर बैठे रहे)

भाप हिन्दुस्तान के एमिनेंट लार्ड्स में से हैं और हमें सबको इस बात का फ्रम् है कि इन में के एक सा मेम्बर है और इन आपसे यह उम्मीद करते हैं और इन यह चाहते हैं कि कोई भी जिन इस हाउस के अन्दर न जाये और उनके अन्दर ऐसी चीज न जानी चाहिये जिससे सैप्रेम पाक जुडिशिएरी और एम्पीक्यूटिव न हो के अफस पर आबाज हो।

इस हाउस के अन्दर कितने ही वर्षों से मैं यह झगड़ता बना आया हूँ कि यहाँ तक इन्कम् टैक्स का का सवाल है यहाँ पर यह जो ऐपेलेट कमिशन बनता है, उसके ट्रान्साक्रॉर में, उनके एग्जिक्यूटिव में और उनकी सरकारी में भाग हजारी एग्जीक्यूटिव को रखना न हो। पहिले छोटा सा रिफॉर्म है। मैं उस वरत से झगड़ता बना आया हूँ जी सी० डी० देसमुख से, एक बिल की कमेटी के नीचे पर, जिस का मैं चेयरमैन था, मैं ने झगड़ा किया। उन्होंने इस को देखा लेकिन पार्लियामेंट में यह इस को न कर सके। मैं हर नीचे पर बिलने बिल आपने भावे हैं, हमेंसा झगड़ा करता रहा हूँ कि यह नामुनासिब है कि जो सक्ल बतौर जब फैसला करे वह एग्जिक्यूटिव के नीचे हो। लेकिन यह जरा सा रिफॉर्म आप नहीं कर सकते। इनकम् टैक्स ट्रान्स्फ़र के अन्दर आप का सात प्रस्ताव है, इस किताब में लिखा है कि आप उस के सात इन्फार्म हैं। मैं एक चीज नहीं कई चीज बता सकता हूँ जिस के लिये इस हाउस के अन्दर झगड़ा हुआ, दरमसल मैं आप से यह परसनल तौर से नहीं कह रहा हूँ। सा मिनिस्टर के ओहदे का जूरिजिडिक्शन होना चाहिये। जो भी बिल आप की कसम से निकला, उसके अन्दर हमारे कान्स्टिट्यूशन में जो उसूल दिये हुये हैं उन के बल्लिमाफ इस हाउस के अन्दर कुछ नहीं घाने पावे। अगर आप ऐसा करेंगे तो मुझे उम्मीद है कि इस देश के अन्दर कान्स्टिट्यूशन की भी इज्जत होगी और देश के अन्दर इन्फ़ाफ अब दः बढ़ेगा।

जनाब के स्वरूप जायदाद के बारे में बहुत कुछ कहा गया। जायदाद के बारे में कोर्ट्स ही फैसले कर सकते हैं और कोर्ट्स को ही फैसले ठीक देने चाहिये और उन के ऊपर इतना शर्ष भी होता है। मैं पूछना चाहता हूँ कि पार्लियामेंट इस जायदाद का हिन्दुस्तान में क्या बनेगा? सुबह से शाम

तक पिछले सब वरतों से किसी जायदादी की शर्ष के इन्फ़ाफ के मुतालिक कोई सर्टेन्टी नहीं रही है कि कब तक वह जमीन उस के पास रहेगी या कब खाल होगी। सारी जायदादें जो हिन्दुस्तान के अन्दर ह, सारी की सारी सर्टेन्टी अन्सर्टेन्टी की रूप में पड़ी हुई हैं। पंचायत के सड रिफॉर्म के मुतालिक मैं बोलैन्ग करता हूँ कि यहाँ शर्ष हुआ कोई मिनिस्टर या कोई सब मूक को बतला दे कि भाग सा की क्या हालत है। कोई भी नहीं जानता, न मिनिस्टर जानते हैं, न डिस्ट्रिक्ट मैजिस्ट्रेट जानते हैं और न वकील जानते हैं कि सा की क्या हालत है और कितने बीबा जमीन एक जायदादी रख सकता है और कितन हालत में रख सकता है। कौन सा सा बैलिड है और कौन सा सा ड्रीलिड नहीं है। जमीन की तकसीम, हमारे ग्राइम मिनिस्टर साहब कहते हैं सीगल और शारल है। मैं कहता हूँ कि यह गलत है और उसे गलत समझा जाना चाहिये। क्योंकि जब सब चीज अन्सर्टेन्टी में है तो कोर्ट्स क्या करेंगे? कोर्ट्स को कोई प्रस्ताव नहीं है। कोर्ट्स को एग्जिक्यूटिव ने अपने नीचे दबा रक्खा है। सारे रेवेन्यू कोर्ट्स में सा की रेन नहीं है। नये-नये कोर्ट्स बना दिये जाते हैं ताकि वे प्रसव-प्रसव फैसला करें और इस तरह के पार्लियामेन्टी कोर्ट्स के बिलने इन्फ़ाफ है वे सत्व किये जाते हैं। मुझे अकसोस से कहना पड़ता है कि यहां हम ऐसी अन्सर्टेन्टी में पड़े हुये हैं जिस का ठिकाना नहीं है। प्रापर्टी का कानून सर्टेन नहीं है।

यहां पर मैं क्रिमिलल सा का बिक करूं तो जनाबवाला हिरान हो जायेंगे। अभी तक किरोरपुर के अन्दर यह कानून नम्बर १ मौजूद है जिस में ऐक्जुड की पिटाई की जाती थी और यह चीज हर एक शेषन जब, डिस्ट्रिक्ट मैजिस्ट्रेट और हाई कोर्ट सब जानते हैं। थर्ड रेट मेकइस आज भी मौजूद हैं। यह झालत है हालांकि ऐसा सा नहीं है। मैंने सा कमिशन की

[श्री वल्लभ भाग्यलाल]

रिपोर्ट को पढ़ा और मुझे अफसोस है कि उन्होंने चन्द क्रिकेटों में, चन्द सफ़्तों में इस ओरिजिनल सब्सिडी को डिसमिस कर दिया जैसा कि सडिलकर साहब ने भी कहा है। ला जितना हमारा है, वह सारा इंग्लिश सिस्टम पर बेस्ड है, हमारी पार्लियामेंट मंदर आफ पार्लियामेंट्स के डिजाइन पर। हमारे ला कोर्ट्स, सुप्रीम कोर्ट और दूसरी सब चीजें उस सिस्टम पर बेस्ड हैं। यह खयाल तो छोड़ दीजिये कि वह कितना इंडियन वे आफ थिंग्स है, और कितना इंडियन जीनियस के मुताबिक यह चीज बनाई गई है और इन्साफ क्या है। हम को मान लेना चाहिये, जिसे उन्होंने डिसमिस कर दिया और हर एक भादमी यह डिसमिस कर देगा कि आज के दिन हमारा सारा इन्स्टिट्यूशन ऐंग्लो सैक्सन टाइप का है। अगर हम उस को माने तो मैं पूछना चाहता हूँ कि इस ऐंग्लो सैक्सन सिस्टम और ला आफ एक्टिविटी ने हमारा क्या हाल किया है? मसल मशहूर है कि जो मदासत के सामने जा कर सब बोलता है, वह असल में बाप का नहीं है। जो पंचायत में जा कर झूठ बोलता है वह भादमी असल में बाप का बेटा नहीं है। मदासतों में झूठ इस कदर चला हुआ है तो भी मैं खचन से पूछना चाहता हूँ कि कोई चीज इस ला कमिशन ने इस सारे झूठ को हटाने के वास्ते की है? कोई चीज आज कोर्ट्स के अन्दर की गई है, मैं नहीं जानता। मैं एक पुराना बकील हूँ, क्रिमिनल लाइबर हूँ, बरबरे बाजार, गांधी के बीच में कल होता है लेकिन लोगों की आंखों के सामने मुल्जिम छूट जाता है, यह किस वजह से है? वहाँ जो वह ऐंग्लो सैक्सन तरीका है गवाही का, एक्टिविटी का, पुलिस मेथड्स का, वह इतनी डेर चला और यह उसी का नतीजा है। हमारी जीनियस यह है, हम यह चाहते हैं कि ऐसा इन्साफ मिले, जैसे कि हम कभी

रामराज्य का थिंक करते हैं कि इस तरह का इन्साफ उन का था। हमें कह देना चाहिये कि पुराने सिद्धान्त सत्य हुये। और 'लीगल जस्टिस' हमारा सिद्धान्त है और लोगों को इस से तत्सली होगी। आप उसी पर इक्ताफ़ करें। अपने कोर्ट्स को बेहतर बनायें। कोर्ट्स को बेहतर बनाने का इससे अच्छा तरीका नहीं है कि आप के जजेड फ़स्ट क्लास और अच्छे से अच्छे हो।

मुझे सुशी है कि अब हमें मौका भी मिला है एक तरह से तारीखी इन्स्टिट्यूशन को बनाने का, अपनी जीनियस को एक्सप्लॉय करने का। अब इस कोर्ट्स के अलावा पंचायत कोर्ट्स भी बनने लगे हैं, बहा पर न्याय होगा अगर आप दूसरा ला बना सकें, लोगो की जीनियस के मुताबिक बना सकें। अगर हम इस पुराने इन्स्टिट्यूशन को, जिस को हम ने ट्राई कर लिया है, सैरबाद कह दें, मौजूदा ला आफ एक्टिविटी को और बाकी सिस्टम को, तो बहुत बेहतर होगा और मुमकिन है कि हम किसी हद तक इन्साफ के पास पहुँच सकें। बरना मुझे डर है जिस तरह का इन्साफ था, अंग्रेजों ने अडमिन्स्ट्रेशन को जिस तरह का इन्साफ करने का तरीका दिया हुआ था, मैं नहीं कहता कि ऐसा उन्होंने नेक नियती से नहीं किया बल्कि उन के मुल्क में बही था और वहाँ जा कर उसी को रायज कर दिया, हम उसके काबिल नहीं थे और वह हमारी जीनियस के मुताबिक नहीं था। नतीजा यह हुआ कि सबका इन्साफ हिन्दुस्तान से उनका होता गया। अंग्रेजों के जमाने में और अब भी उनका होता गया वह इन्साफ थिंक को हम इन्साफ समझते हैं। तो भी मैं कहता हूँ कि थिंटिड कोर्ट्स के अन्दर जाकर आप के मुकाबले ज्यादा इन्साफ होता रहा हो क्योंकि उस वक़्त में अंग्रेजों के जजेड की अप्पाइंटमेंट्स में इतना बोलबाला नहीं होता

का जिसका कि भाव सुप्रीमकोर्ट और हाई कोर्ट्स में होता है। इस बाबूने मैं भर्ज करना कि जहाँ तक इन चीजों का सवाल है मैं भर्ज करना चाहता हूँ कि यहाँ पर जिस सामा कि कानून का तरीका मंजूर है या सस्ता है। क्या मैं जनाब की तबज़्जह कांस्टिट्यूशन की बका १३४ की तरफ दिखा सकता हूँ और हाई कोर्ट्स के सब क्लस की तरफ दिखा सकता हूँ या जितने पब्लिशड डिसीजन्स हैं उन की तरफ दिखा सकता हूँ कि अगर लिटिगेशन की जितनी प्रापर्टी है उस की कीमत ५०० ६० या पाँच हजार में ज्यादा होती है तो वह हाई कोर्ट और सुप्रीम कोर्ट में क्वेश्चन आफ फैक्ट बन जाना है। सिविल कोर्ट के अन्दर दूसरे अपील में प्रदालत दरअस्त फैक्ट की प्रदालत नहीं रहती है। कोई ऐसा मुकद्दमा जिस की मालियत २० हजार ६० या उससे ऊपर की हो तो उसे सुप्रीम कोर्ट में ले जाये जाने का हक है अगर कानून का सवाल हो बरना अपील सुप्रीम कोर्ट में जा ही नहीं सकती।

मैं प्रदब से भर्ज करना चाहता हूँ कि एक आदमी को हाईकोर्ट से और सुप्रीम कोर्ट से इन्साफ तभी मिल सकता है जबकि उसकी इतनी प्रापर्टी इनबाल्ड हो। इसके मानी तो यह होंगे कि जिसकी बोड़ी प्रापर्टी है उसको सुप्रीम कोर्ट और हाईकोर्ट से इन्साफ मिल ही नहीं सकता। जिसका मामला छोटा है वह उसको हाईकोर्ट और सुप्रीम कोर्ट तक ले ही नहीं जा सकता। इसके अलावा वहाँ का खर्चा इतना है कि किसी की हिम्मत नहीं कि हाईकोर्ट तक पहुँचे। हमने अपने कांस्टीट्यूशन की बका १४ में यह लिखा है कि सब को ईक्वल प्राप्चुनिटी होनी। लेकिन जिस आदमी का बोड़ी आकदार का मामला है, उसकी तो वहाँ तक पहुँच हो ही नहीं सकती। वह बहुत मायामच चीज है।

इसी तरह से मैं एक लम्बे अभियान का के बारे में खर्च करना चाहता हूँ। कितने ही

ऐसे केसेज हुए हैं, हालाँकि वे रेखर हैं, जिनमें कि एक बेगुनाह आदमी को फांसी का हुकम होता है। ऐसे केसेज में वह मुकदमा बतौर हक के सुप्रीम कोर्ट नहीं जा सकता। फांसी का सिर्फ वही मुकदमा बतौर अपील के हक के सुप्रीम कोर्ट जा सकता है जिसमें हाईकोर्ट ने कालेपानी की सजा को फांसी की सजा में बदल दिया हो। ऐसे केसेज के सिवा और दूसरे फांसी के केस बतौर हक के सुप्रीम कोर्ट नहीं जा सकते। यह ठीक नहीं है। मैं भर्ज करना चाहता हूँ कि इन्मानी कमजोरी के लिहाज से ऐसे सारे केस जिनमें फांसी की सजा दी गयी हो बतौर हक के सुप्रीम कोर्ट तक जाने चाहिये। मैं जानता हूँ कि इसका प्रसर यह होगा कि सुप्रीम कोर्ट प्लेडेड हो जायेगी क्योंकि ऐसे केसेज की तादाद ज्यादा होती है। लेकिन मैं भर्ज करना चाहता हूँ कि मेरे इल्म में ऐसे केसेज है कि जिनमें बेगुनाह आदमी को फांसी की सजा हो गयी और वह सुप्रीम कोर्ट में इन्साफ हासिल नहीं कर सका क्योंकि वह बतौर हक के सुप्रीम कोर्ट तक नहीं जा सकता था। एक केस नहीं कितने ही ऐसे केसेज मेरे इल्म में हैं। जहाँ तक इंसानी ताकत का ताल्लुक है डैच को रिकाल नहीं किया जा सकता है। इसलिये मैं भर्ज करना चाहता हूँ कि चाहे जितना भी खर्चा हो, इस तरह के केसेज को जरूर बतौर हक के सुप्रीम कोर्ट जाना चाहिए।

श्री सचराज सिंह : उपाध्यक्ष महोदय, या कमीशन की रिपोर्ट के बाद यह निश्चित सा लगता है कि कानून मन्त्रालय का जो अधिकार क्षेत्र है उसे बढ़ाना चाहिए। अभी तक कानून मन्त्रालय का अधिकार क्षेत्र मसबिदा बनाने वाले जैसा, एक मुहरिर के काम का रहा है, और जहाँ तक नीति सम्बन्धी मामलों का सवाल है उनसे उसका कोई सम्बन्ध नहीं रहा है। या कमीशन की रिपोर्ट के बाद यह मन्त्रालय का वह सारा का सारा कार्य जो कानून से सम्बन्ध रखता है वह कानून मन्त्रालय के बिम्बे किया जाना चाहिए,

[श्री कचराय सिंह]

मैं ऐसा महसूस करता हूँ। सबन में सुप्रीम कोर्ट और हाईकोर्टों के लिए बहुत ही प्रतिष्ठा के साथ कहे गये हैं। मैं उन सबों के साथ अपने को जोड़ता हूँ।

लेकिन यह घासका फ्रकट की गयी है कि देश के ऐसे किन्तने नागरिक हैं जिनमें हाईकोर्ट और सुप्रीम कोर्ट तक जाने की क्षमता है। यह ऐसी बात है जिस पर कि गम्भीरतापूर्वक विचार करने की आवश्यकता है। असल में अगर हम हिन्दुस्तान की जनता को निष्पक्ष और सस्ता न्याय दिलवाना चाहते हैं तो जो परम्परा सुप्रीम कोर्ट और हाईकोर्ट की हमारे देश में रही है, उसको हमें नीचे बिना और सहूलियत तक लाना होगा, बल्कि मैं तो कहूँगा कि हमें उस परम्परा को अपनी पंचायतों में लाना होगा। हम जो पंचायतें चालू करने जा रहे हैं उनमें हमको वह परम्परा लानी होगी।

इस सिलसिले में सा कमीशन ने जो अखिल भारतीय जुडीसियल सर्विस की विचारिश की है मैं उसका स्वागत करता हूँ अभी तक क्या होता था? हमारे यहां मजिस्ट्रेट होते हैं। उन मजिस्ट्रेटों की नियुक्ति उनकी पदोन्नति और उनके कार्य की देखभाल एम्प्लीक्यूटिव करती है। इसलिये उनको यह आश्वासन नहीं रहता था, उनको यह विश्वास नहीं रहता था कि अगर वह कानून के मुताबिक अपना काम, अपनी ज़ाबानाओं के अनुसार अपना काम करेंगे तो उनका अधिकार सुरक्षित रह सकेगा। इसलिये इस संदर्भ में यह भी बहुत आवश्यक है कि जहाँ पर आज इंडिया जुडीसियल सर्विस का गठन हो, उसके साथ ही साथ निश्चित रूप से एम्प्लीक्यूटिव और जुडीसियरी का अलगाव भी होना चाहिए जब तक यह अलगाव नहीं होया तब तक हिन्दुस्तान के नागरिकों को न सस्ता न्याय मिल सकता है और न उनको यह विश्वास हो सकता

है कि उनको न्याय मिलेगा। आखिर भाव होता क्या है? अब भी जनता की मनोनों को लेकर भाव लोग बस्त की सरकार से सकते हैं, तो बस्त की सरकार के लोग, भूँकि अभी जुडिसियरी और एम्प्लीक्यूटिव का सेपरेसन नहीं हुआ है, अतएव स्पष्ट है, या उनको कान में यह कह कर इस तरह के काम कराया करते हैं कि जिनसे कानून की हत्या हो जाती है। मैं आपकी इसका उदाहरण देना चाहता हूँ। मेरे यहां उत्तर प्रदेश में १९५७ में सम्भाव के खिलाफ सत्याग्रह चला। उस सत्याग्रह के खिलाफ आम्ना कीजदारी के दफा १०७ और ११७ का प्रयोग इस तरह से किया गया कि कोई भी आदमी अगर दिल्ली से वहाँ अपने शोध को जा रहा है तो उसको अपने शोध में घुसने से पहले ही गिरफ्तार कर लिया गया यह कह कर कि वहाँ मुम्हारे रहने से शांति को खतरा पैदा हो सकता है। इस तरह की हालत में कोई जन आन्दोलन कैसे पनप सकता है। लोगों को सरकार से शिकायतें हो सकती हैं। पर प्रशासन और न्याय का सेपरेसन न होने के कारण इस तरह से काम किया जाता है कि जिससे बस्त की सरकार को मदद मिले और इस कारण जो लोग जन आन्दोलन को उठाना चाहते हैं उनको न्याय की आशा नहीं रहती। यह सेपरेसन केवल इसीलिये आवश्यक नहीं है कि हमको निष्पक्ष और सस्ता न्याय मिले बल्कि इसलिये भी कि अगर कोई लोग जनतन्त्र में विश्वास रखने वाले हों और जो अहिंसक तरीकों से, महात्मा गांधी के तरीकों से बस्त की सरकार को बदलना चाहते हों, उनके विभाव में यह घासका न रहे कि जो मजिस्ट्रेट बैठे हैं, जो हर्षिकम परगना बैठे हैं वे उनकी आजादी का अपहरण कर लेंगे। हमारे मुल्क में इसी छदन द्वारा पारित निवारक विरोध कानून है। उसके अनुसार अगर किसी की कारबाइयों से देश को खतरे की घासका होती है तो उसको बिना मुकदमा चलाने बन्द कर दिया जाता है। लेकिन हम देखते हैं कि ऐसे मामलों में

हैं कि इस कानून के होते हुए भी लोगों को जायदा कीजदारी की दफा १०७ और ११७ के अनुसार बन्द कर दिया जाता है।

इसलिये मैं निवेदन करना चाहता हूँ कि यह बहुत ही आवश्यक है कि प्रशासनिक सेवाओं का और न्याय सेवाओं का, एग्जैक्टिव और ज्यूडिशरी का तुरन्त ही अलग कर दिया जाय। जब तक यह अलग नहीं होता है तब तक न्याय मिलने पर हमारी आस्था नहीं हो सकती है। आज हमें यह आशा रहती है कि हमें सुप्रीम कोर्ट से, हाईकोर्ट से न्याय मिल जायगा और यह प्रशंसा की बात है कि लोगों का सुप्रीम कोर्ट और हाईकोर्ट में बिश्वास बना हुआ है और वे समझते हैं कि कम से कम वहां तो न्याय मिलने की आशा अवश्य रहती है। यह दूसरी बात है कि लोग हाईकोर्ट तक या सुप्रीम कोर्ट तक पहुंच नहीं पाते हैं, या वहां तक पहुंचने की उनमें क्षमता नहीं होती है, उनके पास साधन नहीं होने हैं लेकिन न्याय मिलने की आशा जरूर रहती है। मैं चाहता हूँ कि यह चीज नीचे से नीचे तक की कोर्ट में होनी चाहिए। अगर हमें हर नागरिक को न्याय देना है, अगर हमें हर नागरिक के दिल में यह भावना पैदा करनी है कि उसे न्याय मिल सकेगा तो इसके लिए हमें नीचे उतरना होगा और लोगों को यह विश्वास दिलाना होगा कि मैजिस्ट्रेट की अदालत में और उसमें भी नीचे की ज. अदालत है, छोटी से छोटी जो अदालत है, वहां पर भी उसे न्याय मिल सकता है और निष्पक्ष न्याय मिल सकता है और कोई खतरे वाली बात नहीं है। अगर कोई व्यक्ति किसी चीफ मिनिस्टर के खिलाफ कोई बात कहता है, किसी मिनिस्टर के खिलाफ कोई बात कहता है, सत्तारूढ़ पार्टी के खिलाफ कोई बात कहता है तो उसको बिश्वास होना चाहिये कि अगर उसके खिलाफ कोई कार्रवाई हुई तो उसे न्याय मिल सकेगा। जब इस तरह की भावना मुक्त में पैदा होगी, तब जो हमारा जनतन्त्र है, वह मजबूत हो सकेगा। इस देश में जनतन्त्र को मजबूत करने

का जिम्मा किसी एक पार्टी या किसी एफ व्यक्ति या किसी एक संस्था ने नहीं ले रखा है, इसे मजबूत करने का जिम्मा हर नागरिक का है। भले ही यह जिम्मेदारी किसी जमाने में जबकि हिन्दुस्तान की ग़ुलामी लड़ी जा रही थी, किसी एक पार्टी ने लिए रखी हो लेकिन आज यह हर नागरिक की जिम्मेदारी है कि वह देखे कि किस तरह से हमारे देश में जनतन्त्र मजबूत हो सकता है। जनतन्त्र तभी मजबूत हो सकेगा। जबकि हम लोगों को यह विश्वास दिलायेंगे कि वे चाहे किसी तरह का काम भी करें, चाहे सरकार की मुखातिफ करे, उन्हें न्याय मिल सकेगा। इसलिये यह जरूरी है कि एग्जैक्टिव और ज्यूडिशरी का सेपरेशन करने की दिशा में तेज़ी से कदम उठाये जायेंगे।

मझे अफसोस है कि वे लोग जो कि ग़ुलामी मिलने से पहले बार-बार इस तरह की बात करते थे कि एग्जैक्टिव और ज्यूडिशरी का सेपरेशन होना चाहिये आज बहानेबाजी करते हैं कि यह इसलिये नहीं हो पा रहा है कि इससे खर्चा बढ़ेगा। मैं निवेदन करना चाहता हूँ कि यह जो इलीन दी जाती है इस में कोई बजान नहीं है। हमारे यहां उत्तर प्रदेश में जो हाकिम परगना होता है वह ज्यूडिशरी और एग्जैक्टिव दोनों के ही काम करता है। इस को मैं चाहता हूँ कि सेपरेट कर दिया जाय। करीब-करीब हर तहसील में वहां पर ब्लाक डिबेलेपमेंट आफिसर होने हैं। अब अगर आप वहां पर चाहें तो ये दोनों काम अलग हो सकते हैं। जो एग्जैक्टिव नेबर के काम हाकिम परगना के होते हैं उन को बी० डी० ओ० के सुपुर्द किया जा सकता है और जो न्याय का काम है उस को वह सुद कर सकता है। इसी तरह से न्याय के काम को दूसरे मैजिस्ट्रेट्स में भी बांटा जा सकता है। ऐसा करने से खर्च से कोई बड़ोतरी

[श्री बजराम सिंह]

नहीं होती। यह बलील कि यह सैपेरेशन इस बास्ते नहीं हो रहा है कि सर्वा बड़ेग बेबुनियाद है। यह बलील कोई बलन नहीं रखती है। इन दोनों चीजों को सेपरेट में समझता हूं इसलिये नहीं किया जा रहा है कि भाष जो सामाजिक व्यवस्था है उस में जो लोग परिवर्तन लाना चाहते हैं, शान्ति-पूर्वक तरीकों से परिवर्तन लाना चाहते हैं, धार्मिक उपायों द्वारा परिवर्तन लाना चाहते हैं, उन को किसी तरह से पनपने न दिया जाय, उन को बढ़ने न दिया जाय, उन को बहाना आवश्यक है। इस सब में जब निवारक नजरबन्दी कानून आया था उस समय बहुत के दौरान में यह बताया गया था कि इतने आदमी इस के अन्तर्गत जेलों में बन्द हैं। लेकिन मैं पूछना चाहता हू कि दफा १०७ और दफा ११७ के अन्तर्गत जो हजारों आदमी बन्द पड़े हैं, उन को क्यों बन्द रखा गया है? उन की जो हालत है वह निवारक नजरबन्दी कानून के अन्तर्गत नजरबन्द लोगों से कम बुरी नहीं है। मैं समझता हूं कि यह ऐसी चीज है जिस के पीछे कि कोई अच्छा उद्देश्य नहीं है। इस बास्ते में निवेदन करना कि ज्यूडिसरी और एग्जिक्यूटिव के सेपेरेशन का तुरन्त ही निर्णय हो जाना चाहिये। जहां पर निष्पक्ष न्याय दिया जाना जरूरी है वहां पर एक और बात भी जरूरी है जोकि इस के साथ जुड़ी हुई है और जिस की तरफ कई माननीय सदस्यों ने इशारा किया है और ला कमिशन ने भी इशारा किया है। मैं कहना चाहता हूं कि जब तक हाई कोर्ट के जजिस की नियुक्तियां चीफ मिनिस्टर की इच्छा पर होती रहेंगी तब तक कैसे यह कहा जा सकता है कि लोगों को भांगे चल कर निष्पक्ष न्याय मिल सकेगा या न्याय व्यवस्था निष्पक्ष रह सकेगी। कुछ लोग निष्पक्ष रहेंगे भी तो यह रूल के एक्सेपशन की बात होगी। नियम के अपवाद की बात होगी लेकिन अन्ततोगत्वा, आखिर में जा कर, वे निष्पक्ष नहीं रह सकेंगे। इस-

लिये यह बहुत ही आवश्यक हो जाता है कि जहां तक हाई कोर्ट के जजिस के एप्पाइंट-मेंट्स का सम्बन्ध है, उस को एग्जिक्यूटिव से, चीफ मिनिस्टर के अधिकार क्षेत्र से हटा दिया जाय। मैं तो यहां तक कहना चाहता कि भारत सरकार के होम मिनिस्टर से भी इस का कोई सम्बन्ध नहीं रहना चाहिये, जहां तक उन की नियुक्तियों का सम्बन्ध है। केवल चीफ जस्टिस के ही हाथ में यह चीज रहनी चाहिये, हिन्दुस्तान के चीफ जस्टिस के अधिकार क्षेत्र में रहे, हाई कोर्ट के चीफ जस्टिस के अधिकार क्षेत्र में रहे। जब इस तरह की बात होगी तभी जा कर हाई कोर्ट के जजिस में यह भावना आ सकती है, उन में यह विश्वास हो सकता है कि वे अगर किसी चीफ मिनिस्टर के खिलाफ किसी रिट पेटिशन में कोई स्टिकबार पास करेंगे, कोई कानूनी व्यवस्था देंगे, कोई रूलिंग देंगे, जिस में किसी की मान-हानि हो सकती है, तो कोई खतरे वाली बात नहीं होगी। मुझे खतरा है कि जो भाज व्यवस्था है उस से भांगे चल कर इस तरह की बात हो सकती है, इस तरह का खतरा पैदा हो सकता है कि जिस तरह से वहां निष्पक्ष न्याय हम को अब तक मिलता रहा है, जिस निष्पक्ष न्याय की हम आशा करते रहे हैं, वह भविष्य में नहीं मिल सकेगा। ला कमिशन की इस सिफारिश का मैं स्वागत करता हूं कि हाई कोर्ट और सुप्रीम कोर्ट के जजिस की नियुक्तियों में चीफ मिनिस्टर की राय नहीं ली जानी चाहिये या उन के द्वारा नहीं होनी चाहिये।

इस के साथ ही साथ मैं यह भी कहना चाहता हूं कि यदि हमें जनता के लिये कुछ करना है, उस की भलाई सोचनी है, तो कब तक अंग्रेजी भाषा के जरिये से हमारा काम चल सकता है। बहुत कोशिश करने के बाद ब्रिटिश हुकूमत के शासन के ढेड़ सौ वर्षों के बाद भी एक परसेंट से अधिक लोग अंग्रेजी को पढ़

धीर समझ नहीं सकते हैं। मैं निवेदन करना चाहूंगा कि एक परसेंट लोगों के लिये अंग्रेजी भाषा में अपनी न्याय व्यवस्था को, उस की प्रोसीडिंज को, उस की जजमेंट्स को आप कब तक चलाते रह सकते हैं। आज कानून की सारी कार्रवाई अंग्रेजी में होती है। क्या इस तरह से हम हिन्दुस्तान के लोगों को न्याय दे सकेंगे, क्या उन में विश्वास की भावना पैदा कर सकेंगे कि उन को न्याय मिल सकेगा? मैं समझता हूँ कि हम देश में आदर्श स्थिति यह होगी कि अगर कोई व्यक्ति थोड़ा सा कानून भी अपनी भाषा में जानता है, तो उसे इस स्थिति में होना चाहिये कि वह बिना किसी वकील की राय लिये हुए या बिना वकील को किये हुए अदालत के सामने अपनी बात को रख सके। आज स्थिति यह है कि बहुत से ऐसे लोग जोकि प्रादेशिक भाषाओं को जानते हैं, बंगला जानते हैं, कन्नड़ जानते हैं, तेलगू जानते हैं हिन्दी जानते हैं, कानून का ज्ञान उन्हें है लेकिन क्योंकि अदालत में सारी कार्रवाही अंग्रेजी में चलती है, अंग्रेजी में दलील दी जाती है, अंग्रेजी में जजमेंट्स लिखे जाते हैं उसी में सारा कार्य होता है, इस वास्ते वे अपने आप जा नहीं सकते हैं और इस के लिये उन के लिये वकीलों का सहारा लेना जरूरी हो जाती है। यह भयावह स्थिति है और इस का अन्त होना चाहिये और जितनी जल्दी यह हो उतना ही अच्छा होगा। अगर इस का सीधा ही अन्त नहीं होता है तो इस के बहुत बुरे नतीजे निकलने वाले हैं। करोड़ों नागरिकों के दिलों व दिमागों में कभी भी ऐसी सुरत में यह विश्वास नहीं भर सकता है कि उन्हें न्याय मिल सकता है बिना वकीलों के जरिये। वकीलों के बारे में इस को कहने से मेरा यह तात्पर्य नहीं है कि जो वकीलों का बर्ग है वह ऐसा है जोकि समाज में कोई भी किसी भी तरह का परिवर्तन नहीं चाहता है। इस के विपरीत मैं यह कहना चाहूंगा कि वकील वर्ग ने बहुत ही अस्थिर-

कारी काम किये हैं। आज्ञादी की बड़ाई में उस न बहुत महत्वपूर्ण भाग लिया है। जहां तक समाज की व्यवस्था में परिवर्तन लाने का सवाल है अगर कानून लोगों पर जान बूझ कर कोई असंवैधानिक बंधन लगाते हैं, तो उन में परिवर्तन करने के बारे में जो आन्दोलन होते हैं, उन का वे नेतृत्व करते हैं। लेकिन इस का मतलब यह नहीं है कि हमें हिन्दुस्तान के नागरिकों को पंगु बना देना है और उन को ऐसा बना देना है कि वे हमेशा के लिये अपना काम आप न कर सकें।

इस वास्ते मैं कहना चाहता हूँ कि जो अंग्रेजी का मोह है उसे हमें त्यागना होगा। आज यह दलील दी जाती है कि हिन्दी भाषा में या अन्य भारतीय भाषाओं में कानूनी शब्द कोष नहीं है, कानूनी शब्द नहीं हैं। मेरी समझ में नहीं आता कि यह कौन सी दलील है। यह कहना कि पहले कानून का शब्द कोष बना लिया जाना चाहिये और उस के बाद हम अदालतों में हिन्दी तथा अन्य भारतीय भाषाओं का प्रयोग करेंगे, मेरे विचार में लचर दलील है, ऐसी दलील है जिस का कभी भी कोई महत्व नहीं हो सकता है। भाषा का हमेशा ही यह काम होता है कि वह तथ्यों को प्रकट करे और जब तथ्य होते हैं तब भाषा बनती है। अगर तथ्य ही नहीं हैं तो भाषा का महत्व ही नहीं होगा। जब फैक्ट्स होंगे तो न उन के एक्सप्लेन के लिये लैंग्वेज की आवश्यकता होगी। अगर हमारे पास शब्द नहीं हैं तो शब्द अपने आप बन जायेंगे। इस की फिक्र किये बगैर कि हमारे पास शब्द नहीं हैं, हम को शब्द बनाना चाहिये। मैं चाहता हूँ कि न सिर्फ़ जज की अदालत की, मुंसिफ और मैजिस्ट्रेट की अदालत की बल्कि हाई कोर्ट की कार्रवाई और सुप्रीम कोर्ट की कार्रवाई भी अंग्रेजी में नहीं होनी चाहिये और उन की सारी कार्रवाई

[श्री ब्रज राज सिंह]

हिन्दुस्तान की अपनी ज़बानों में होनी चाहिये। हाई कोर्ट और उस के नीचे की जो अदालतें हैं उन की जो कार्रवाई होनी चाहिये वह प्रादेशिक भाषाओं में होनी चाहिये और सुप्रीम कोर्ट की जो कार्रवाई है वह हिन्दुस्तान के विधान के मुताबिक राष्ट्रभाषा सरकारी भाषा हिन्दी में होनी चाहिये।

आज अंग्रेजी हुकूमत यहाँ पर नहीं है और हमें अंग्रेजी से इतना मोह भी नहीं होना चाहिये। जब मैं यह बात कहता हूँ तो इस का यह मतलब नहीं है कि अंग्रेजी भाषा से मैं घृणा करता हूँ। ऐसी कोई भावना अंग्रेजी के प्रति मैं प्रकट करना नहीं चाहता। जहाँ तक नालेज के उपार्जन का सवाल है, जहाँ तक ज्ञान हासिल करने का सवाल है, उस का अपना महत्व हो सकता है और है। लेकिन हम जानते हैं कि कल जो अंग्रेजी भाषा का महत्व था वह आज नहीं है। आज रूसी भाषा का भी महत्व बढ़ गया है और अन्य भाषाओं का भी महत्व बढ़ गया है। कोई जमाना था जबकि यह कहा जाता था कि उन का सूरज कभी डूबता नहीं था जिन का राज हिन्दुस्तान पर था और साथ ही साथ दूसरे कई मुल्कों पर था। उन की भाषा का महत्व हो सकता है लेकिन दूसरी भाषाओं का महत्व भी कम नहीं है और हो रहा है और उन में टैक्नालाजी और तरह तरह की दूसरी चीजें हो रही हैं। इस वास्ते मैं निवेदन करना चाहता हूँ कि इस मामले पर गम्भीरतापूर्वक विचार किया जाये और कानून तथा न्याय की व्यवस्था जब तक हमारी अपनी भाषाओं में नहीं होती है तब तक लोगों में यह विश्वास पैदा नहीं हो सकता है कि बिना खर्च किये हुए भी उन्हें न्याय मिल सकता है। चूँकि ला मिनस्ट्री की विमान्य पर यह बहस हो रही है और एलेक्शन

कमिशन का भी उस के सम्बन्ध जुड़ा हुआ है इसलिये उस के सम्बन्ध में भी दो एक शब्द कहना चाहता हूँ। पिछले चुनाव में एलेक्शन कमिशन की तरफ से एक व्यवस्था दी गई। देश में कुछ मान्यता प्राप्त पार्टियाँ हैं। उस मान्यता प्राप्त पार्टियों को कुछ सुविधायें मिलेंगी। कुछ दूसरे लोग हैं जो मान्यता प्राप्त पार्टी के नहीं हैं। एलेक्शन के वक्त जो मान्यता प्राप्त पार्टी नहीं है उन को कुछ सुविधायें नहीं मिलेंगी। जो मान्यता प्राप्त पार्टी है उन को निशान मिलेगा, उन के लिये मतदाता सूचियाँ बिना पैसे के मिलेंगी और इस तरह से उन को मुल्क की सयासत में कम खर्च पर अपना हिस्सा अंदा करने का मौका मिलेगा। मैं निवेदन करना चाहता हूँ कि चुनाव कमिशन को इस पर गम्भीरतापूर्वक विचार करना चाहिये कि क्या यह अच्छी बात है। इस में एक नागरिक और दूसरे नागरिक के बीच में कोई पक्षपात का वानावरण पैदा होता है या नहीं? मैं चाहूँगा कि कानून में इस तरह की व्यवस्था की जाय कि जो भी नागरिक किसी चुनाव में लड़ना चाहें उस के साथ और दूसरे नागरिक के साथ, जो किमी मान्यता प्राप्त पार्टी का उम्मीदवार हो, कोई पक्षपातपूर्ण व्यवहार न हो। अगर ऐसी व्यवस्था आप कर सकते हैं तो हर एक के वास्ते कीजिये कि उस का मतदाता सूचियाँ मुफ्त दें। इस के साथ ही मैं यह बात चाहूँगा कि अपने इस गरीब मुल्क के गरीब लोगों को सनद में और विधान सभाओं में धन का मौका मिले इसलिये यह व्यवस्था होनी चाहिये कि उन को अपनी तरफ से ज्यादा खर्च करने के लिये मजबूर न होना पड़े। यह तभी हो सकता है जब इस तरह की व्यवस्था हो कि अपने चुनाव के लिये वे अपनी चिट्ठी पत्री को अपने बोटर्स तक बिना कुछ खर्च किये पहुँचा सकें। बिना पैसे के ही वे अपना सन्देश अपने बोटर्स तक पहुँचा सकें।

इस के साथ ही मुझे यह भी निवेदन करना है कि यहां पर चुनाव पद्धति में परिवर्तन करने की बात बार बार आती है। सिनाक्सी कार्ड चलाने की बात आया करती है। इसी सदन में कानून मंत्री महोदय ने यह फोटो वाली बात कही है कि किन्हीं क्षेत्रों में फोटो दे कर वोट डलवाये जायेंगे। मैं कहूंगा कि यह इस तरह का तजुर्बा है जो कि बहुत ही खतरनाक साबित हो सकता है। हम इस के जरिये कुछ लोगों को वोट डालने से रोक सकते हैं। मैं निवेदन करूंगा कि इस पर बहुत गम्भीरता पूर्वक विचार करने की जरूरत है कि हम कहीं अपनी चुनाव पद्धति में कोई इस प्रकार का परिवर्तन करने तो नहीं जा रहे हैं जिस से देश के संविधान के जरिये जो मौलिक अधिकार हमें मिले हुए हैं उन का हनन होता हो। अगर उन का हनन होता है तो हम संविधान की भावना की इस कार्रवाई से बेइज्जती करते हैं, हम संविधान को ठेस लगाते हैं। हमारा फर्ज है कि जिस संविधान को हम ने बड़ी कुर्बानी के साथ बनाया है उस की खास इज्जत और प्रतिष्ठा करे। यह तभी सम्भव है जब हम उस की भावना के विरुद्ध कोई काम न करे। जो कानून हम बनाते हैं उस के जरिये ही अगर संविधान की प्रतिष्ठा के टूटने का सवाल आये तो यह कोई अच्छी बात नहीं होगी।

जहां तक कानून मंत्रालय को रुपया देने का सवाल है मैं कहूंगा कि दूसरे मंत्रालयों के मुकाबले इस में बहुत कम काम हुआ है। इस के सामने बहुत काम है। जैसा मैं ने कहा कि इस का काम बढ़ना चाहिये। लेकिन इस के साथ ही साथ यह भी कहना चाहता हूं कि हालांकि कोई चुनाव इस वक्त नहीं हो रहे हैं लेकिन चुनाव कमिशन में भी दूसरे मंत्रालयों की तरह अधिकारियों के बढ़ाने की प्रवृत्ति बढ़ती जा रही है। पिछले साल जहां पर कि सुपरिन्टेंडेंट्स, प्रसिस्टेंट सुपरिन्टेंडेंट्स और प्राइवेट सेक्टरों केवल पांच थे, उसी एलेक्शन कमिशन में इस साल ६ अधिकारी

हो गये हैं। पता नहीं वह क्यों और कैसे होता जा रहा है। यदि अफसर बढ़ेंगे तो उन के साथ ही प्राइवेट सेक्टरों बढ़ेंगे, दूसरा इन्स्टीट्यूट भी बढ़ेगा, आफिसर्स का खर्च भी बढ़ेगा। मैं निवेदन करता हूं कि जब काम न हो उस वक्त यह सब चले, यह मुनासिब नहीं है।

Shri Ajit Singh Sarbadi (Ludhiana): In the debate on the Demands for Grants relating to the Ministry of Law, the recent report of the Law Commission must come in for discussion, particularly, when it is a document of very great importance in the recent history of the administration of justice in the country. It not only covers all aspects of the administration of justice in the country and the application of the rule of law, but it deals with certain features which are most important.

I certainly endorse what my hon. friend Pandit Thakur Das Bhargava has said that the Law Minister as a representative of this House is certainly the guardian of not only the elementary rights but also the Directive Principles of State Policy laid down in the Constitution.

The first and foremost thing for consideration before the Law Commission was whether the present system of the administration of justice in the country is in accordance with the genius of the people and the experiment we have had in these few years after attaining Independence. I am glad that the Law Commission has come to the conclusion that except for need of reform here and there, the administration of justice under the present system is quite in consonance with the genius of the people of this country, and particularly, when, in the Constitution Parliament in its wisdom has enshrined certain fundamental rights for the citizen, to protect which there should be a machinery, I am glad that the recent history of the country shows that the judiciary has stood the test and has been able to safeguard the fundamental rights of the people.

[Shri Ajit Singh Sarhadi]

But I must say that in one aspect, the Directive Principle of State Policy laid down in the Constitution has not been implemented in any of the States in the country except, of course, in Madras. Here, I am referring to the Directive Principle of State Policy laid down in article 50 of the Constitution of India where it is said that the judiciary and the executive should be separated.

You are aware, Sir, that at one time, it was thought that three years would be the maximum period within which the executive and the judiciary had to be separated in this country. It was not made a statutory provision because it was thought that this might be done early. But it is painful to see that now, when we are in the eighth or ninth year after the commencement of the Constitution, still we are at the same place where from we started, and the Directive Principle of State Policy is still to be implemented, and still the executive and the judiciary is to be separated. I am sure the Law Minister will pay attention to this aspect.

I was really surprised to see that the State Governments should raise such hurdles in the implementation of this Directive Principle. You know, Sir, very well that in the PEPSU area of the Punjab, the executive and the judiciary were absolutely separated before their merger in 1956. Though it was not by statute, and it was by an executive order, yet the experiment of separation of judiciary from the executive was working successfully in the PEPSU area. Instead of applying the principle of separation of the executive from the judiciary to the whole of Punjab after merger, the thing has been made otherwise, and the merger of the executive and the judiciary has been made applicable to those areas of PEPSU even

In this connection, I was really surprised to see the opinion of the Chief

Secretary of the Punjab Government, while he gave evidence before the Law Commission, representing the Punjab Government's viewpoint. I am sure that opinion is not an isolated case, but that is a thing which is equally applicable to the rest of the States. What he said while opposing the separation of the executive from the judiciary, is, I believe, the view of those States which have not as yet followed that policy laid down in the Directive Principle in the Constitution.

We find from the Law Commission's report

"The Chief Secretary of the Punjab Government who purported to represent the views of his Government stated that 'in the context of the situation that obtains in the Punjab, taking into consideration the incidence of crime and the nature of crime, the communal atmosphere, the constant law and order problem, Government are naturally keen to have as effective a machinery under their disposal as possible for dealing with different types of situations and that Government's view is that if there is complete separation probably the Government's hands would not be as strong in dealing with crimes or dealing with law and order problem as they would be without separation'."

It means—and it is an admission of fact—that the executive also wants to use the judiciary for the purpose of administration of justice and for the purpose of administration and maintenance of law and order. This is a wrong approach to the case. This is also the view with which the Law Commission has concurred. The Commission has condemned this practice.

I had just now said that the view of the Chief Secretary of the Punjab Government representing that Government is not an isolated view:

believe it is also the view of the rest of the States in the country which are not implementing the directive principle of separation of the executive from the judiciary. I need not labour this point further except to quote the words of a Member of Parliament who gave evidence before the Law Commission, who wanted to contest the view of the Punjab Government. I am glad that that person is in a very exalted position now. This is what he said:

"If the Punjab Government still thinks that they cannot control the law and order situation with separation, all that I can say is that the Government is not taking correct view of the situation. If there is any difficulty, it has to be crossed over. The main thing is that the executive do not want to part with their power. Do they mean that they can control the law and order situation better if they can secure the punishment for the crimes as they want? If they want to maintain law and order at that cost, then better abolish the judiciary."

Shri D. C. Sharma (Gurdaspur): Who was that Member of Parliament?

Shri Ajit Singh Sarhadi: So the object is this, that the law and order situation should be handled in the proper way, not at the behest of the executive. Therefore, I would submit at the outset that the most essential is that the directive principle must be implemented, and the executive and judiciary must be separated. Unfortunately, what existed by way of separation of the judiciary from the executive in the PEPSU area of the Punjab before the merger has to some extent been eliminated and PEPSU brought on to a level with the rest of the Punjab, rather than the rest of the Punjab being brought on to the level of PEPSU.

The second point which I want to place before the Law Ministry for their consideration relates to article 40 of the Constitution. This article

lays down another directive principle. A village or group of villages should be made self-sufficient units and endowed with all the powers, both executive as well as judicial. Here too we have been very much remiss. You will find from the report of the Law Commission—they have examined figures upto 1954—that there are about 10 lakhs of cases of a civil nature pending in different courts of the country. 90 per cent of the cases are of the value less than Rs 1000 value. That is, a lakhs of cases are of value less than Rs 1000 value. Now, the volume of civil litigation has certainly increased, and the delay in the administration of justice is partly due to the increase in the volume of civil litigation. In order to lessen this, the suggestion is that there should be decentralisation of justice, taking into view efficiency and also the correct way of meting out justice. Unfortunately, attention has not been paid to that side.

As far as a generation back, the Civil Justice Committee recommended that there should be decentralisation of justice and the *panchayats* should be endowed with powers to decide both criminal and civil cases. They said

"Everywhere except Bombay it is accepted that village *panchayats* with judicial functions should be used for the disposal of small cases upto Rs 25 to Rs 200."

They further recommended

"An endeavour should be made to develop this system so as to withdraw all money suits of smaller value from the *munsifs* and small cause courts, thereby relieving these courts of large amounts of petty work and making it possible for them to cope with the larger duties we think may be given to them".

This recommendation of the Civil Justice Committee was implemented by having legislation in the different States by having gram *panchayats* and endowing them with the power

[Shri Ajit Singh Sarhadi]

to administer justice. Now, we have got throughout the States panchayats which are endowed with powers to decide cases, both civil and criminal. About the working of that, the considered opinion of the Law Commission is that it has been satisfactory. They have said:

"In most of the provinces where these courts have been introduced, they seem to have been popular disposing a large number of suits and relieving the regular courts of the burden of deciding petty disputes".

They have further said:

"We have reached a stage in our development when the village should be given more emphasis in the dispensation of justice".

If that is the basic thing, that in the decentralisation of justice the panchayats are to be endowed with larger powers to decide both civil and criminal cases, then I cannot understand why the Law Commission makes a recommendation that cases of a petty value up to Rs. 250 should be entrusted with the panchayats, and in special cases up to Rs. 500 with the approval of the High Court.

As I said at an earlier stage, the Civil Justice Committee recommended this a generation back. They put the target at Rs. 200. The Law Commission also makes a recommendation to the same effect, only raising the amount by Rs. 50. That looks rather anomalous. We have gained some experience of these panchayats and their working. Reports from different States definitely show—and this has been considered by the Law Commission—that the figures of cases decided and reserved show that only a very small percentage of the decisions of these panchayat courts were taken to the superior court, and that out of those that were taken, only a small proportion was reserved. It means that the Law Commission in its

wisdom certifies that the Panchayats are being run so far very efficiently, that few cases have gone in revision to higher authorities and a very small number of them have been reversed—which shows the capacity of the panchayats to decide cases of a smaller nature, civil as well as criminal.

Therefore, I cannot possibly understand why the powers of the panchayats should not be increased. I would submit that the powers of the panchayats should be to decide cases upto Rs. 1000 value. Of course, the method which the Law Commission has suggested of having a collection of villages and nomination out of them for the purpose of administration of justice, is one with which I do not disagree. But I would certainly submit that the power should be given to the panchayats to decide cases like that. Not only this. I will go further. The Law Commission itself has discussed that in certain countries there are conciliation boards, there is a sort of pre-trial conciliation. They have, of course, not accepted it here in principle. They have only recommended that the trial judge himself should be the conciliator before trial, and he should try to effect a compromise between the parties. So far so good. But I cannot possibly understand why this principle of conciliation, compromise and stoppage of litigation should not be taken further, and these panchayats made the conciliators and agencies of compromise, if not adjudicators and deciders. They should be given powers to conciliate in cases up to a certain value, say, Rs. 2000. They should see that conciliation takes place. After that, if necessary, the case should come to the courts of law. This is my second point.

My third point is about the recommendation of the Law Commission for the creation of a cadre of All India Judicial Service.

15 hrs.

There has been criticism from some quarters; there has been appreciation

from some other quarters of this recommendation. I personally feel that it would not be a healthy thing to have an All India cadre of judicial services and I have got three objections to this.

The first objection is this. That has also been taken in the Law Commission's Report. That objection is this; that it would be a sort of creating a cadre of young men at the top whose pay would be higher than that of the rest of the judiciary—the subordinate judiciary—and thereby a lot of disparity between the two both in status and pay.

The object of the Law Commission is that there should be two cadres of All India Judicial Service. One is class I and the other is class II. To the class I cadre of the Judicial Service in State there should be recruitment of 40 per cent from the All India judicial service. This means that the rest of the 60 per cent will be recruited from the subordinate judicial service, class II. There will be 40 per cent of young people with a disparity in pay and in status, naturally. In the present Administrative Service you find a lot of annoyance, in the minds of those who are promoted from the Provincial Civil Service. A young man becomes a Deputy Commissioner in 8 or 9 years. I do not think it is very suitable. Therefore, I would draw the attention to this one aspect that this would not be healthy.

The other objection is this. There will be a kind of language difficulty too. Every State has got its own language, the regional language. What will be the future state of the regional language is yet to be decided. We may come to the conclusion that the language of the State shall be the regional language up to the High Court. Then, because this is an all India cadre of Judicial Service having people from different States, when you transfer them, it will create a lot of difficulty in the judicial service of the State in the matter of language.

Thirdly, there will be a trespass on the sphere of provincial autonomy also. I say that there should be oneness in the country; there should be co-operation; there should be integration. Certainly. But, it is a Union of States. We have got a Union of different States. The States should have provincial autonomy. I personally feel that this would be a trespass on the States' jurisdiction so far as the judiciary is concerned.

I would agree with the Law Commission that so far as the appointment is concerned it should be by the Public Service Commission and the standard should be such that the supervision of the High Court is there.

Mr. Deputy-Speaker: The hon. Member's time is up.

Shri Ajit Singh Sarhadi: With your permission, Sir, I will take some time more I have not taken 15 minutes.

Mr. Deputy-Speaker: More than 20.

Shri Ajit Singh Sarhadi: The last point I am taking is about the appointment of judges. My hon. friend Pandit Thakur Das Bhargava had much to say on that point. He criticised certain recent appointments. I have nothing more to say on that matter. The Law Commission in its wisdom say that there had been communal and political consideration in the matter of such appointments. So far as my State is concerned, such appointments have been from one particular community and there has been no appointment from other community. I cannot say whether this was on any political considerations. I would certainly say that the State authorities must have a voice in the matter.

We are just on the threshold of freedom. Ten years is not a long period in the history of any country. Emotional integration has yet to take place. We have yet to become one nation. All interests ought to be represented; all interests ought to be

[Shri Ajit Singh Sarhadi]

secured. I concede that merit and efficiency and capability must be the primary consideration. Not only the primary consideration, but be the main consideration. But both in the south as well as in the north, there are other considerations. You cannot have merit unless you give a chance to the individual. Therefore, to say that the power should entirely vest in the hands of the Chief Justice of India and the Chief Justices of the States is not good. We have got complete faith in them. But yet for some years to come at least the views of the State also have to be taken into consideration. They have to take into consideration many things. They have got to see that there is due representation in the judiciary so that it may inspire confidence among the people. Therefore, for the purpose of the efficiency of the judiciary and for its integrity too and that it should inspire confidence, I submit that the advice of State authorities should count. There should be some formula evolved that the state should not be entirely in an advisory capacity and they should have an important voice though not the last word.

Pandit M. B. Bhargava (Ajmer)
Mr Deputy-Speaker, Sir, we have been considering the Demands for Grants for the Ministry of Law. So far the debate has been concentrated on the 14th report of the Law Commission. Prior to this report there have been 13 other reports. In the report of the Ministry of Law that has been circulated among the Members, we find that reports 8 to 13 concern the revision of law in the domain of contracts, specific relief and acquisition of property and others. But we have not the slightest indication as to what attitude the Ministry of Law proposes to take in respect of the earlier reports made by the Law Commission, which were submitted as far back as September 1956.

In that report this distinguished body has laid great emphasis upon the

aspect of a unified High Court in the different States of India. I would ask in all humility what is the policy of the Government of India on that important recommendation of the distinguished and expert body, whether it is proposed to shelve that report and put it into cold storage. And, if it is so, what sin have the people of the State of Rajasthan committed so that, with stubbornness, in spite of agitation and widespread protests and resentment, the Bench at Jaipur was abolished and a unified seat of the High Court was set up at Jodhpur? I would ask, if that is the policy which the Government of India has accepted, then where is the reason for this discrimination against one particular State and in not implementing that policy in respect of other States.

15.08 hrs

[SHRI C R PATTABHAI RAMAN in the Chair]

I, personally, am fully in accord with the unanimous decision of the distinguished body to establish, in the interests of efficiency of judicial administration, a unified High Court in every State. But the question arises, where is the seat of that unified High Court to be located? Is it to be located on the ground that there are parochial and regional considerations in a nook or corner of a vast and extensive State like Rajasthan? Or is it to be located in some central place where everybody, every litigant has equal access, where the dispensation of justice can be made cheapest? This policy has to be clarified.

I would request the hon Law Minister to please clarify the position of the Government of India in respect of this recommendation of the distinguished Commission.

So far as the genesis of the appointment of this Law Commission is con-

cerned, I would respectfully invite the attention of the hon. House to the announcement made by the Ministry of Law on 5th December, 1955, whereby it announced the personnel of the Commission and also the terms of reference of this distinguished Commission. I respectfully submit irrespective of whatever may be said of the Ministry of Home Affairs, the primary responsibility to the House is upon the shoulders of the Law Ministry to give us categorical assurances as to how far it is proposed to implement the recommendations. The last report is in a way a great thought-provoking and epoch-making document in the judicial history of our country. It is regrettable that some of the speakers have spoken of our judiciary in a disparaging manner. In their opinion, judiciary in our Constitution has a subordinate position to the legislature. With all the emphasis at my command I repudiate that insinuation. It is based upon a misconception and misreading of our magnificent Constitution. The three organs of the State, the executive, legislature and judiciary, have got, within the fold of our splendid Constitution. Duties and responsibilities to discharge and the provisions of our magnificent Constitution place a heavy responsibility upon the shoulders of our judiciary. It is not only our protector but also the guarantor of the Fundamental Rights of the citizen. The splendid Preamble of the Constitution says that by constituting India into a sovereign democratic republic we enter into a pledge to secure to all its citizens, justice, social, political and economic and freedom of thought and expression, belief, faith and worship and also to secure to all the citizens equality of opportunity and status. Above all, we also pledge to preserve the dignity of the individual in the sphere of the ever-increasing social activities. It is a difficult and significant role that our judiciary has to discharge; it is a very notice task. It has to protect against encroachment by the executive upon the liberties of the people of India. It has also

the duty of giving a liberal and enlightened construction and interpretation on the provisions of our Constitution so as not to retard the onward march of the country towards the establishment of the socialist pattern of society and the establishment of a welfare State.

It has been said during the course of the debate by some speakers that our learned Judges are far behind the urge of the time. I repudiate that insinuation. The pronouncements of the Supreme Court and the High Courts in recent years, during the last decade since coming into force of our Constitution, have been characterised by clarity of thought, lucidity of expression and profundity of learning. They have shown consummate skill and analytical consideration and a liberalised thought so as to advance the march of the country towards the establishment of the welfare State. If they could not, they will not be doing the splendid duty assigned to them under the Constitution. And they do not stick to the letter of law. While making use of a liberality of thought, they are bound to interpret the different pieces of legislation that had been carelessly passed either by the State, legislatures or by the Central Legislature and test the validity and constitutionality of these laws. They may find that some of these laws have infringed the provisions of the Constitution; and if they find that the limits placed upon the legislative powers of State and the Central Governments are transgressed, the duty of the Judge is plain. My respectful submission is that it was an arduous task and the way in which it has been discharged consciously by our judiciary is a matter of pride to every citizen in this country. That is why the distinguished Commission in its report has said that there should be no executive interference in the matter of the appointment of the Judges of the High Court or the Supreme Court.

[Pandit M. B. Bhargava]

The Constitution-makers and those of us who were associated with the noble task of 'Constitution-making, when article 217 was enacted never thought that it would be abused in the manner it had been abused during the last ten years so that most of the Judges appointed not only in the High Courts but in the Supreme Court are more or less nominees of the Chief Minister or of other executive heads. This is a state of affairs which had been condemned in a very strong language by the Law Commission. I ask the hon. Law Minister in all humility whether the Government has any intention to implement the recommendation of this distinguished Commission and alter the wording of article 217 so as to make it clear beyond doubt that it will be the duty, sole and exclusive duty, and responsibility of the Chief Justice of the High Courts to make appointments of the Judges, solely on the basis of merits and this is a duty which he has to discharge with the concurrence only of the Chief Justice of India.

It has been said that the Chief Minister must have a say in the matter. Yes. The Commission itself has considered that point and it has recommended that the only voice that can legitimately be given to a Chief Minister in this matter is merely a negative voice but he could not and must not be given a positive voice—negative voice in the sense that a certain proposal may be made and then that proposal must be sent to the Chief Minister who has the liberty to express his opinion about that person. But he could not insist upon the substitution of that person by a nominee of his choice. That right, if it exists within the fold of the present Constitution, must be taken away in the interest of the independence of the judiciary.

The next point which I would like to refer to is the recommendation re-

lating to the upgrading of the age limits of the Judges that adorn the High Court and the Supreme Court. The proposal is that the limit must be raised in the case of High Court from 60 to 65 and in the case of the Judges of the Supreme Court from 65 to 70. In America and other advanced countries, there is no age-limit upon the Judge. So far as he is physically capable of discharging his own work, he is at liberty to occupy that great office. But in India, if we are to have recourse to age-limit, the recommendations of the Commission are moderate and it will be necessary in the interest of the high degree of work expected of the judges that the age-limit of the judges be raised in the manner suggested. They have also suggested that the age-limit in the subordinate judiciary be also raised to 60.

In the matter of salary, the Chief Justice of the Supreme Court in America gets 20,000 dollars which has recently been raised to 25,500 dollars. The Commission says that in view of the economic conditions the salary of our judges cannot be recommended to be raised. But, Sir, so far as the allowances, pension, leave and other things are concerned, they have made important suggestions and they should be considered.

Lastly, I would call upon the Ministry of Law to accept and implement the recommendations of the Law Commission in respect of the undertaking of an All-India legislation on the model of the Bombay Separation of Judiciary and Executive Functions Act, Act 23 of 1951, and to make an all-India legislation for the immediate separation of judiciary from executive functions.

Shri P. B. Patel (Mehsana): Mr. Chairman, Sir, I thank you for giving

me time to participate in this debate. I submit that we appreciate the intelligent labour put by the Law Commission. The report is a very valuable document. It has come at a proper time when it was required in this country. We know that the tendency of the executive to usurp the powers of the judiciary has been on the increase in our country. In every legislation that we had—no doubt, we are also responsible to some extent—the proposal was to give more powers to the executive usurping the powers of the judiciary. And, in the name of tribunals we excluded the jurisdiction of the judiciary.

The Law Commission has made certain recommendations, and I think this Government will implement them. I personally feel that whatever tribunal it may be—labour tribunal, income-tax tribunal or any other tribunal—that tribunal should be under the High Court and members of the tribunal should be nominated or appointed by the High Court. The Government should have nothing to do with the appointment of the personnel of such tribunals.

*What is happening today? No doubt, some of my hon. friends referred here to the separation of judiciary and executive in the Bombay State. It is true we have separated judiciary from the executive. But, what is the trend? In the Police Act and in other Acts the powers have been given to the executive and the judiciary has been debarred from it. I can give some instances. A man can be externed even by a police officer. A man can be externed by the executive, and there is no appeal or revision to the High Court or any other judicial court. In the Panchayat Act and even in the Local Boards Act there is a clause that if there be any dispute regarding the election of the President or Vice President the final authority is the Collector and none else, the man cannot go to the judicial court. Therefore, the ten-

dency was to usurp the powers of the judiciary and centralise all the powers in the executive. At this time the report has come, and there are very good suggestions in the report.

A very good suggestion that I like is the creation of an all-India judicial service. It is necessary that we create this service on an all-India basis. We know that a strong judiciary, an independent judiciary is the backbone of democracy. Ours is an infant democracy, and in the infancy of our democracy the tendency of the executive was to usurp powers day by day. Under the circumstances we require to safeguard the democracy for which the judiciary should be independent and strong.

A right suggestion also has been made by the Commission in regard to the appointment of High Court Judges and appointment of Supreme Court Judges. They have said that this should not rest with the executive. I think that is a very proper suggestion to keep our judiciary independent of the executive. I think the appointments, promotion etc. should be at the discretion of the High Court Chief Justice and the Supreme Court Chief Justice.

Sir, I go further and submit that the whole judicial department should be under the High Court. What is happening today? For their appointments, prospects etc. they go to the executive. Therefore, naturally they are to be on good and friendly terms with the executive. The result is that with the ten years working of the judiciary people have been losing respect which the judiciary deserve. So far as appointments are concerned, that has been done on a communal, regional and political basis. That has also, rather, decreased the reputation of our judiciary. I would submit that the recommendations of the Law

[Shri P. R. Patel]

Commission be accepted and implemented.

A suggestion has been made by my hon friend that the judicial courts should work in the regional languages. I absolutely agree with that suggestion I am coming from a former State of Baroda. There we had all law books in Gujarati. The plaints and appeals were also submitted in Gujarati. The arguments were done in Gujarati. My experience is that we worked well. I think if we adopt regional language in our courts, at least up to sessions courts and district courts, it is not bad. After all, the clients who sit nearby must understand what the advocate does. Now the advocate is arguing in English and the client does not know anything. What happened in Baroda? Up to the time of merger, we were practising in Gujarati. Afterwards we had to practice in English. On one side we got rid of the Baroda rule but on the other side we got the English rule. I think in our country we should adopt our regional languages up to the district level.

I wish to say something about the appointment of Government pleaders and prosecutors. In Baroda, the Police Prosecutors were conducting the cases on behalf of the Government. They were not under the Police but they were under the Judicial Department before 1949 and that was the case in Baroda for years together. We find the suggestion now in this direction in the Law Commission's Report, but this is a suggestion which had been implemented years ago in Baroda territory. It is desirable that this should be done because the duty of the Police Prosecutor is to get justice and not to get conviction. Today, the Police Prosecutor feels that he must secure conviction and does not care for justice.

I would like to mention one other matter relating to the pay scales of the judiciary. Much has been said

regarding the low salary of the High Court judges and Supreme Court judges. I am of opinion that the magistrate should be paid at least 50 per cent more than his present emoluments. We expect something more from the judiciary than the executive. We know, Sir, that the executive officer gets so many things done and he is not expected to be so honest as a person serving in the judiciary. We expect much more from a person in a magistracy.

Mr. Chairman: This is the first time I hear of any degree of honesty!

Shri P. R. Patel: We expect something more, Sir, and I think, the salary should be a little bit more. Today we are paying them meagre salaries and we expect so many things from them. I would suggest that the Government should look into the matter.

Lastly, I would submit that after retirement, the High Court judge or the Supreme Court judge should not be allowed to have any job under the Government. Otherwise, at the time before his retirement he would just try to please persons in the executive so that he may get a job after retirement. I may refer to the story that was referred to by other hon. friends about a Chief justice going to an Embassy. I think that it was wrong on the part of the Government to have selected a person who has served as judge of the High Court and it was also wrong on the part of the person to agree to serve in that capacity.

Therefore, I feel that there must be a law in this country that the man retiring from the judiciary may not take any job under the Government. We should give sufficient amounts of pension to the persons in the judicial services. There are very good, honest persons in the judicial department; and they die as paupers, while, as we know, some persons serving in the executive, especially in the Police

Department, leave a lot of money after them when they die. So many stories are also said regarding the political workers. When they die they also leave behind them a very good fortune. So, I am of opinion that the High Court Judge, the Supreme Court Judge and the District Judge should be given a good amount of pension.

Shri Jaganatha Rao (Koraput): Mr. Chairman, Sir, I have a feeling that the Ministry of Law does not occupy a proper place that it should occupy in the Central Government. In 1957, we find, the Minister of Law did not even have Cabinet rank. I pointed out in 1957—speaking on the Demands of this Ministry—that a Ministry of Justice should be created. The Ministry should be responsible for appointments of judiciary and also for the administration of justice in the whole country. I am glad that the hands of the Law Minister are now strengthened by the report of the Law Commission. The Commission have stated that a Ministry of Justice should be appointed at the Centre. When I say this, I do not want to suggest that the Ministry which is now in charge of the appointment of judges is not acting properly, or that it is not acting in collaboration or in coordination with the Ministry of Law. I do not want to suggest that. However, I would say this that it ought to be the duty and the responsibility of the Ministry of Law to look to the appointment of judges and also to see that the administration of justice is carried on properly in the country.

Much has been said about the report of the Law Commission. I am sure the Government considering the report and that they would come forward very soon with necessary legislative changes to implement their recommendations. It has been suggested by **Shri H. N. Mukerjee** that the Law Commission did not deal with the problems of revision of laws according to the needs of the society. He

means to suggest that our society is based on the concept of private ownership of property which has come down from Anglo-Saxon jurisprudence. True, it is. We cannot prevent a man's thinking; nor could we compel any of our communities to think in the Communist way of thinking. Our society is based on certain principles which are guaranteed under the Constitution. Our constitution guarantees such freedoms to every citizen of the country.

Sir, it has been suggested by him that we are having too much reliance on precedents. How can we ignore the judicial precedents in the conduct of our judicial administration? It is the judicial precedents that have been responsible for the type of justice that we are having today.

Sir, it has been suggested that retired judges of the High Court and Supreme Court should not be appointed to any other jobs; more especially, political appointments. Some hon. members have cited the case of Mr. Justice Chagla. One of the hon. members on the other side mentioned that he went to the corridors of the Ministers' residence. I would like to state that it was the Government that had to seek his services. A man of outstanding ability had to be secured and so it was he that was requested—I would put it that way—to accept the appointment in the United States.

Shri Narasimhan (Krishnagiri): Rather, the office.

Shri Jaganatha Rao: Therefore, it is not correct to say that every Judge is appointed to a political job or post when he runs after the Ministers or he walks along the corridors of Ministers' bungalows. It is not correct to say that. We cannot generalise on such flimsy grounds.

We cannot also lay down an inflexible rule or law that no High court Judge or Supreme Court Judge should be eligible for any other appointment.

[Shri Jaganath Rao]

If a Judge is suitable for any job, certainly he should be appointed. I see no reason why the prospect of a judge, after retirement, being appointed to a job to which he may be best suited should be deprived. I think it would be a dangerous move if we accepted that proposition.

I am not going to deal with all the recommendations of the Law Commission as several hon. Members have already spoken about them, and I am sure that the Government will come forward soon with suitable legislative amendments. But there are some matters which do not require any legislative amendments and I think the Ministry of Law should implement those recommendations of the Law Commission as early as possible.

One of the recommendations is the separation of the judiciary from the executive. It is a very salutary recommendation and Article 50 of our Constitution also envisages this. It is a pity that even nine years after the Constitution came into force, nothing has been done in several States regarding this matter. I know that in Madras and Andhra they have done it. The system there is, the functions of the collector are separate from the functions of the district magistrate, and the district magistrate and the district judge are interchangeable offices, and they are directly under the jurisdiction of the High court. The collector and district magistrate, however, has the power to take action in certain cases of emergency under sections 144 and 107 of the Criminal Procedure Code. There are also cases where the munsiffs also are invested with first-class magisterial powers. I think that every State should be asked to implement these measures as early as possible. I do not know why the Central Government has not even been very keen on the implementation of this necessary and salutary change which the Constitution envisages.

Another far-reaching recommendation is the legal aid to the poor. Our

Constitution says that every man shall have equal protection, equal freedom, justice and all that. But how is it that in every State it is very difficult for the poor man to go to the court and seek relief, not to speak of the High Court and the Supreme Court? So, in such cases, I see no reason why the Governments of the States concerned should not take up this issue in right earnest.

As the procedure now stands, litigation is very costly. It is not meant for the poor. But is only the rich that they can go to the courts and vindicate their rights. So, what has to be done? Should not anything be done to safeguard the interests of the poor and the less privileged sections of the society? I think the Law Ministry, on the strength of the recommendations of the Law Commission, will now do well to goad the State Governments to proceed with the necessary legislation in this regard. Of course, I should say that there must be more voluntary effort on behalf of the members of the Bar. They should also co-operate and try to serve the society as well.

Another recommendation which I would deal with is about the creation of an all-India judicial cadre and the creation of an All-India Bar. I see no satisfactory explanation is given by the Government to show why this has not been done. The legal profession in the country has been agitating for a very long time that there should be an All-India Bar, and that has not been taken note of. Similarly, the creation of an All-India Judicial Service would be very helpful and would create a healthier atmosphere in the country. Judges can be transferred from one State to another and from one High Court to the other, and we can be sure of getting impartial justice. If the judge of a High Court—I do not mean to say a word against their integrity or honesty—happens to occupy the post in a State for a long number of years, naturally he would develop some likes and dislikes. So, it is better, as is done in other Government

services, that the judges also are transferred, after they had been for a certain period of time in one place, to another place.

When the appointment of judges is also left to the responsibility of the Ministry of Justice or the Ministry of Law, as it is called now, without the interference of the Government of the State, I think a day will come when we shall be proud of our judiciary in the country.

Another matter which has not been referred to by the hon. Members so far is about the Income-tax Appellate Tribunal. The members of the Tribunal are appointed on a contract basis for five years, and some of them are also re-appointed after the expiry of the term, but they are not entitled to any pension or gratuity or anything like that. But they deal with very important matters involving lakhs and crores of rupees. They should have some sense of security so that they can discharge their functions more sincerely and with greater care. So, something has to be done in this regard.

I was speaking about making justice cheap and speedy. I said that justice as it is administered today is not meant for the poor and is not within the reach of the poor man. Take, for instance, the court-fee that is payable. The court-fee is a State revenue, and the States nowadays have been increasing the court-fee by even double the rate. I know that in Madras they have practically doubled the value of court-fee payable. In some other States, the rate of court-fee has been increased by 50 per cent, so much so that it is difficult for poor men to go to court. What was suggested by the Law Commission is that in appeals, only half the court-fee payable by the client may be ordered to be paid so that poor people can afford to go to a court of appeal against a decision which goes against them.

About the Administrative Tribunals, I have a few words to say. In a well-
410 (A) LSD-7

fare State the activities of the Governments of the States are expanding in several directions. It is but natural that there should be tribunals, but the jurisdiction of the High Court, the powers of the High Courts to review the decision of the tribunals, should be maintained. The Law Commission has accordingly recommended to that effect. I think the Government should straightaway accept the recommendation so that the powers of the High court under articles 226 and 227 are not taken away.

Under article 226 there is another snag. Unless the officer or authority against whom a writ is sought stays within the territorial jurisdiction of the court, no writ can be issued. The Government of India has the headquarters at Delhi, and supposing an officer has no headquarters within the territorial jurisdiction of the High court, the high court concerned cannot issue a writ. Section 226 has, therefore, to be amended suitably.

I would say a few words about the election law, because election law also comes within the purview of the Ministry of Law. I would request my friend the Minister of Law to simplify the election law. Of course we have amended the Representation of the People Act recently, but I am afraid we have hurried through the process and not given a serious and careful thought to it. Of late, it has become the tendency of the Government—I am sure I would not be misunderstood—to rush through every legislation without giving thought to it. When it is struck down by the High Courts or the Supreme Court the Government come forward with a validating ordinance and a validating law. I request the Government to devote greater attention to this, so that when it comes forward with pieces of legislation the difficulties can be avoided.

Shri Narasimhan: Mr. Chairman, firstly regarding the Law Commission's report, all of us, whether in the administration, judiciary or the legislature, should be very grateful to those emi-

[Shri Narasimhan]

nent men for having brought out such an eminent document and set people thinking. I hope Government will seriously consider the report in detail. They should divide the report into three or four categories, points which may be attended to immediately, etc. They should divide the report into various kinds of subjects and start implementing them in quick instalments. Otherwise, since the Commission is becoming more or less a continuing body, they will come forward with further reports and you will be caught napping. You would not be able to cope up with the reports of the Commission. So, it is better that we take quick action.

Mr. Chairman: The Commission will now deal with statute law

Shri Narasimhan: That will be equally important. So, the sooner you do things, the better it will be. One of the most inoffensive of the recommendations of the Law Commission is the one that a special officer should be appointed to implement the report. I would not be surprised if Government have already done something about it, because it is such a simple and natural recommendation. If they have not already done it, I hope they will do it as the first step towards implementing the recommendations. They should have a special division to implement the report. This is contained in the classified summary of recommendations, Part I, page 3.

You yourself, Mr. Chairman, and Mr. Jaganatha Rao have already referred to the need for changing article 226 in order to facilitate writ applications before all the courts, instead of confining it to a particular court and making it a privilege of that court, thereby depriving the privilege of the common man to seek redress in all courts.

The Law Commission have naturally thought about many matters. They have given advice on matters pertain-

ing to the Centre, the States, amendments to the Constitution, etc. There are one or two recommendations which we in this House should also attend to. There are certain recommendations to be attended to by the Cabinet as such. There is a suggestion to the department dealing with drafting of Bills. They are very interesting and that is why I want to read them. For instance, it says:

"All fresh proposals for legislation, unless of emergent nature, should be submitted to the permanent Commission for detailed examination before enactment."

"All important Bills should be circulated to the public courts and the Bar associations for inviting opinion."

We have come across cases where there have been mistakes because they were not referred to State Governments. Though the mistakes have not come to prominence now, I am sure they will come later on. I am referring to some provisions in the Representation of the People Act where certain village officers and revenue officers of one State were referred to. It was not enquired whether similar officers were there in other places or not, whether they are also to be brought in the same category or not, etc. So, due opinion of the State Governments should be taken before we take the final step.

There is another advice:

"All important rules should be submitted for prior scrutiny to the permanent Commission assisted by an officer of the concerned administrative department."

"Legislative programme should be adequately planned in advance; full and adequate instructions should be given to draftsmen and sufficient time should be given to them for scrutinising and reshaping the amendments moved and

accepted in Parliament or the State Legislatures."

This is very necessary. When I go to the mofussil, even in small districts, I come across lawyers saying, "Your legislation creates great difficulty; it does not seem to have been well thought out". They almost blame the legislators, but I know for certain how things have happened. None is to blame in particular. The policy is evolved by the Cabinet and the draftsmen are directed to draft the Bills and the Bills come before the House. The House is a huge body representing various shades of opinion. Being in a large number, they are capable of yielding to certain emotional appeal and so, the whole concept of the law is changed and legislation becomes contradictory. Therefore, Government will do well to invite Members of Parliament unofficially and find out what they think about it; legislation should be directed towards that end. If that is done, last minute changes brought about by the House and the inability of the Government draftsmen to cope with the situation immediately can be avoided. That will add to the correctness of legislation.

Regarding election tribunals, I have one point. I have found out from personal experience that their needs are not looked after. Sometimes they do not have typewriters. In the course of a trial at one time, I found that the typewriter went out of order. Even copies of proceedings, certain papers, rules, etc. are sometimes rather difficult to get. I would not be surprised if they have improved later, but there were such difficulties. Apart from election tribunals, there may be other tribunals as well. I hope this aspect of the matter will also be remembered.

Finally, the burden of legislation has come very heavily on the Law Ministry and they have been doing their best about it. I congratulate them on their achievements all these years. I hope they will bestow great attention whenever legislation is made and see that all our laws are foolproof.

Shri Supakar: Mr. Chairman, many speakers have dealt at length on the corroding influence of politics on our judiciary. It is unfortunate that in India politicians are swayed more by passion than by reason and we are apt to think that those who differ from us are reactionaries. That is perhaps the reason why, when Mr. Khadilkar made his speech, he said that judiciary should be subordinate to the sovereign body of our country, the Parliament, thereby laying undue emphasis on the sovereign character of this Parliament and underestimating the responsibility that is given to the Supreme Court and the High Courts by the Constitution of our country.

16 hrs.

I shall not deal with the influence that politics has come to play on judiciary during the last ten years. There have been people in much higher circles than Shri Khadilkar who have not hesitated to say that the judges are living in an "ivory tower" and that their job is to "keep sitting wearing wigs and gowns for a number of hours a day and look very learned." That is one aspect of the picture. The other aspect is that of influencing our judiciary. Our judiciary has been well characterised, as has been quoted by Pandit Thakur Das Bhargava, in the statement of a Judge of a High Court, which says:

"If the States Ministry continues to have a powerful voice in the matter, in my opinion, in ten years' time or so the last of the judges appointed under the old system will disappear and the independence of the judiciary will have disappeared and the High Courts will be full with judges who owe their appointment to politicians."

That will be an evil bad day and that may, in the opinion of some of the Members, might help the development of socialism but in that process democracy will be killed.

[Shri Supakar]

Now I will deal with some of the aspects in which the Law Ministry is directly concerned. You know, Sir, that the Law Commission has submitted several reports regarding the revision of legislation on subjects like partnership, limitation, registration etc. Though some of these reports have been submitted as long ago as three years ago, no action has been taken as yet. This is one aspect of the responsibility of the Law Ministry that is being discharged in a very unsatisfactory and very slow manner.

There is another aspect of the problem which is cropping up with the development of our public sector which needs the attention of the Law Ministry more than the other Ministries of the Government of India. As the public sector develops, we have to go in for more and more new types of contracts regarding different kinds of business in our public sector like steel, shipping, housing and other subjects. Those contracts have to be scrutinised by the Law Ministry. It is a sad experience that in the past we have undergone a huge amount of loss, delay and other difficulties on account of our not being very strict in our scrutiny of these contracts and by letting many loopholes in our contracts, with the various concerns who have come forward to develop our public sector.

These matters have to be looked into very carefully. I am afraid that the Law Ministry, as it is constituted at present and the staff that goes to man it are probably not sufficiently active or numerous enough to look into these matters. But unless the draftsmen and other persons are more active and their strength is added up, we shall not be able to cope with the newer and newer responsibilities that are devolving on the Government of India.

In this connection, I will say that there should be proper co-ordination between the Ministry of Law and the other Ministries which are concerned

with the nation-building activities, especially the Ministries which are engaged in the development of the public sector.

One aspect to which I wish to lay emphasis is the legislation that we are having from time to time. It is a painful experience that in many of the enactments, both in the Centre as well as in the States, there is what is known as the "Henry VIII clause" which excludes the jurisdiction of the law courts on that legislation. That is a most unsatisfactory state of affairs. The Ministry should always take care to guard zealously the rights of the citizens to take recourse to a court of law when their rights and privileges are infringed.

Another point which needs emphasis is the legislation in Hindi. The Supreme Court and the High Courts probably will be asked in the future, if not in the very near future, to conduct the arguments and to have the judgments in Hindi.

16.08 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The Committee which was appointed to look into the report of the Official Language Commission has given its report. In the mean while, if we realise the responsibility and if at all we intend to change English from being the official language of Supreme Court and the High Courts, even if the change is to take place after 20 years, we have to take steps now to have our laws translated, either into Hindi or the local State languages and we have to use less and less of English. Also, the reporting of law, the judgments, arguments in and so on in other languages have to be looked into. In these matters I think the Law Ministry has a big responsibility.

Then another point which I wish to raise is the delay in the disposal of cases. Though the Government of

India may not be directly responsible in these matters, I specially draw the attention of the Government to those cases in which the Government is a party, specially the Government of India and in some cases the State Governments. It is a well-known fact that when an ordinary case between two private parties takes a year or two to be disposed of, it takes nearly twice as long for a case to be disposed of in a case in which the Government is a party and in which the Government has to pay some money. There is absolutely no excuse whatsoever for the Government, which enjoys a very much more privileged position than an ordinary citizen of the State, to permit the case to be delayed so long. I believe the Government will take all steps to see that it does not claim any special indulgence from courts so far as these cases where the Government is a party are concerned.

Now I will refer to a small point before I finish, and that is about the All India Services. We have some bitter experience from the All India Administrative Service. This matter has been referred to by some previous speaker, where junior officers without sufficient experience become heads of districts and their administration is not sufficiently satisfactory and not sufficiently able. Consequently, the administrative standard throughout India in different parts of the States is gradually going down. I wish the same story may not be repeated in the establishment of the All India Judicial Service. I believe the Government will think twice or thrice before they give serious thought to the establishment of an All India Judicial Service.

श्री कुशवन्त राय उपाध्यक्ष महोदय,
आज प्रातः काल से इस विधि मंत्रालय के सचिव
के अनुदानों पर विचार हो रहा है।

Mr. Deputy-Speaker: Hon Members who want to speak should give some indication that they are ready to speak. When I was looking this side, they gave no indication.

Shri Khushwaqt Rai: I was looking that side, unfortunately I have been waiting so long. I thought I would not get a chance.

Mr. Deputy-Speaker: All right.

श्री कुशवन्त राय प्रातः काल से जो वादविवाद हो रहा है वह इस बात पर होता रहा है कि ला कमिशन का जो प्रतिवेदन आया है, उसकी जो सिफारिशें हैं उन पर कोई भ्रमल किया जा सकता है या नहीं किया जा सकता है। मेरी समझ में जैसे पंडित ठाकुर दास भार्गव ने कहा कि अगर हम यह चाहते हैं कि ला कमिशन ने जो सिफारिशें की हैं उन पर भ्रमल किया जाय तो हमको सेंटर में एक मिनिस्टर आफ जस्टिस बनाना चाहिये और जब तक मिनिस्टर आफ जस्टिस नहीं बनता है तब तक ला कमिशन की जो मुख्य मुख्य सिफारिशें हैं उन पर भ्रमल नहीं होगा।

आप श्रीमान् जानते हैं कि बहुत सी बातें यहाँ तक कि ऐडमिनिस्ट्रेशन आफ जस्टिस की जो बात है उसका ताल्लुक राज्य सरकार में होता है और बहुत सी बातें ऐसी हैं जिनका कि सम्बन्ध होम मिनिस्टर से रहता है।

अभी थोड़ी देर पहले हमारे एक साथी बोल रहे थे। उन्होंने इस बात की खर्चा तो की कि अग्रेजों के जमाने से यह परम्परा चली आई है कि होम मिनिस्टर का कार्य भ्रमल और ला मिनिस्टर का कार्य भ्रमल होता है। उन्होंने यह भी कहा कि यह इसलिए कि ला मिनिस्टर को मस्विदे और ड्रैफ्टिंग का कार्य दिया जाता था और चूँकि होम मिनिस्टर अग्रेज होता था इसलिए उसको अजेज के ऐपयान्टमेंट्स का कार्य दिया जाता था। अगर यह बात कि उसका आयन्दा प्रतिफल क्या हो इस बात पर उन्होंने प्रकाश नहीं डाला। तो इसका तो एक ही परिणाम निकलता है और वह यह है कि सेंटर में मिनिस्टर आफ जस्टिस होना चाहिये और उसके ताल्लुक वह सब बातें हो जिससे कि वह स्टेट में जिस

[श्री सुशान्त राय]

तरीके के न्याय होता है उसको भी देख सके और उसको कोर्टाइनेंट कर सके और उनको डाइरेक्शंस दे सके और तब यह हो सकेगा कि ला कमिशन में जो रिपोर्ट दी है उसकी जो सिफारिशें हैं उन पर अमल हो सकेगा। लेकिन एक बात मैं उसके बारे में बहुत ही सम्प्रदायपूर्व विधि मन्त्रालय से और उनके जरिए गृह मन्त्रालय का ध्यान दिलाना चाहता हूँ और वह सिफारिश यह है कि जहाँ पर ला कमिशन ने यह कहा है कि जजों की नियुक्ति में चाहे वह सुप्रीम कोर्ट के हो अथवा हाई कोर्ट के हो, पोलिटिकल, रीजनल और कम्युनल कंसिडरेशन्स काम करते हैं। मैं समझता हूँ कि इस बात को तुरन्त ही बन्द कर देना चाहिये। अगर हम चाहते हैं कि हमारे देश में प्रजातन्त्र फैले, हमारे देश में डिमाक्रेसी फैले और उसकी उन्नति हो तो यह आवश्यक है कि जज ऐसे होने चाहिए कि जिन में जनता का विश्वास हो, और जनता का विश्वास तभी हो सकता है जब जज ऐसे हो जिनकी नियुक्ति जो मैंने कंसीडरेशन्स बताये हैं उन पर न की गयी हो। अभी बड़े दिन पहले की बात है। मैं सुप्रीम कोर्ट गया हुआ था। वहाँ मैं एक अदालत में बैठा था और वहाँ पर एक राज्य का मामला पेन हुआ और उसके सम्बन्ध में वहाँ जो बहुत हुई और जा लोगों में बान हुई उससे मुझे यह मालूम हुआ कि उस राज्य के एक जज की नियुक्ति वहाँ के चीफ जस्टिस की अर्जी के खिलाफ सिर्फ इसलिए कर दी गयी कि वहाँ के चीफ मिनिस्टर चाहते थे कि इस जज की नियुक्ति न हो। और उसका फल क्या हुआ? उसका फल यह हुआ कि जब उम्मीद राज्य द्वारा जारी किया गया एक अर्डाइनन्स पर बहुत डाढ़ रही थी और उसी जज के मामले की पर उस जज का उससे कोई मतलब नहीं था, वह मामला चीफ जस्टिस के सामने था, तो उन्होंने राय दे दी कि अर्डाइनन्स बनाने का अधिकार उस राज्य को था। इससे चीफ जस्टिस को परेशानी हुई और उन्होंने उस फैसले में कहा है कि ऐसी बातें हमारे बदर

जज को नहीं कहनी चाहिए थी जिनसे हमें परेशानी हो, लासवर्ग जब कि उनकी कोई आवश्यकता नहीं थी कि यह कोई ऐसी बात कहें। तो मैं आपके जरिये से विधि मंत्री को और विधि मंत्री के जरिये गृह मंत्री जी से यह सिफारिश करना चाहता हूँ कि इस तरह की नियुक्तियाँ हमारे देश में जो प्रजातन्त्र है उसको बक्का पड़ना रही हैं। ऐसी नियुक्तियों को खत्म हो जाना चाहिए। मैं यह जानता हूँ कि विधि मंत्री का इस में बहुत हाथ नहीं है, लेकिन मैं जानता हूँ कि विधि मंत्री कैबिनेट रैंक के हैं तो उनकी बात गृह मंत्री अवश्य स्वीकार करेगा। इसलिए मैंने उनसे बरखास्त की है कि वह इस नफ विचार करे।

अब मैं कुछ बातें इस मन्त्रालय की कार्य-वाहियों के बारे में कहना चाहता हूँ और मैं समझता हूँ कि मुझे उन पर प्रकाश डालने का अधिकार है।

पहली बात जो मुझ कहनी है वह यह है कि जब मिनिस्ट्री की तरफ से डिमांड्स पेन की जाती हैं तो साधारणतया यह होता है कि जो उसके जो माइनर है इस होने हैं वह एक ही जगह पर दिये जाते हैं। पर इसमें आप देखेंगे कि डिपार्टमेंट आफ वीगल एंफोर्स की जो डिमांड दी गयी है उसकी डिटेल्स वहाँ पर नहीं रखी गयी हैं बल्कि भागे चल कर लेजिस्लेटिव डिपार्टमेंट के बाद उनकी डिटेल्स दी गयी हैं। इस वजह से जो भी इस डिमांड को पढ़ना है उसका डिटेल्स के जानने के बारे में परेशानी होती है और मुझ भी यह परेशानी हुई। मैं न यही के एक महायक में उसके बारे में पूछा तो वह भी नहीं समझ पाये। फिर उन्होंने विधि मन्त्रालय के किसी अधिकारी से पूछा और उन्होंने बताया। तो मैं समझता हूँ कि जब डिमांड्स पेन की जाये और उनकी जो किताबें बनायी जायें उनमें इस बात का ब्याल रखा जाये कि इस तरह की परेशानी न हो।

इसी तरह से मैं दूसरी बात यह कहना चाहता हूँ कि इस में प्राबेबुल सेविन्स दिखायी गयी हैं। मैं समझता हूँ कि सेविन्स का जिक्र डिमांड में नहीं होना चाहिए। जब आप जानते हैं कि हम को इतनी सेविन्स होनी हैं तो उतना कम करके आप डिमांड पेश करें। यह जो प्राबेबुल सेविन्स हैं इनको रिवाइज्ड बजट एस्टीमेट्स में दिखाना चाहिए। मैं समझता हूँ कि इन सेविन्स को इस तरह से डिमांड में नहीं दिखाना चाहिए।

तीसरी बात मैं इस अनुदानों की पुस्तक के बारे में यह कहना चाहता हूँ कि इसमें एक्स्ट्रेडीचर धन यूनिजन टैरीटरीज की डिमांड नम्बर ७१ के नीचे ४,३०,७०० रुपये दिखाया गया है। उसका सविस्तर विवरण पृष्ठ ६ पर दिया गया है लेकिन उसमें केवल ३,०६,७०० का विवरण दिया गया है। बाकी रुपये कहा जाना है, उसका कोई विवरण नहीं दिया गया है। यह मेरी समझ में नहीं आता कि ऐसा क्यों किया गया है।

यें बानें मुझे डिमांड्स के बारे में कहनी थी। अब मैं मंत्रालय के और कार्यों के बारे में कहना चाहता हूँ।

मुझ से पहले बालन वाले माननीय सदस्य ने कंट्रैक्ट्स के बारे में जिक्र किया। मुमकिन है कि मैं गलती पर हाऊ, लेकिन मेरा खयाल है कि जो पब्लिक अडरर्टेकिंग्स के साथ सरकार के कंट्रैक्ट होते हैं उनके बारे में इस मंत्रालय में परामर्श नहीं किया जाता। अक्सर प्रश्नों में यह बात सामने आती है कि बहुत से कंट्रैक्ट्स ऐसे होते हैं जिनमें पीनाल्टी क्लॉज नहीं होता। अगर कोर्ट कानून को जानने वाला एग्जीमैट के ड्राफ्ट का देखेगा तो जरूर कहेगा कि इस में पीनाल्टी क्लॉज का होना जरूरी है। इनको तो वही लोग नजर बन्दाब कर सकते हैं जिनका कानून की जानकारी न हो। रिपोर्ट में यह कहा गया है कि इस तरह के कंट्रैक्ट्स के बारे में जो सेटल

गवर्नमेंट के द्वारा किये जाते हैं इस मंत्रालय का मध्यविरा लिया जाता है। अगर ऐसा है तो मैं जानना चाहूंगा कि फिर यह कैसे होता है कि इन एग्जीमैट्स में पीनाल्टी क्लॉज नहीं होता।

दूसरी बात यह है कि बहुत से कंट्रैक्ट दूसरे मुल्को में कर लिये जाते हैं। मेरी समझ में नहीं आता कि ऐसा क्यों किया जाता है। हम जानते हैं कि जो कंट्रैक्ट हमारे देश में होगा उस पर हमारा कानून लागू होगा और जो दूसरे देश में होगा उस पर उस देश का कानून लागू होगा। इस प्रकार के मामलों अक्सर पब्लिक एसाउन्ड्स कमेटी में हमारे सामने आते रहते हैं जिनमें यह कहा जाता है कि चूँकि यह कंट्रैक्ट्स दूसरे देश में हुआ है इसलिये हम इसमें कोई कार्रवाई नहीं कर सकते।

दूसरी बात जो मैं कहना चाहता हूँ कि वह यह है कि जो आपने रिपोर्ट दी है उसमें आपने कहा है कि आप राज्य सरकारों को सलाह देते हैं कि वह कौन से व्यक्तियों को नियुक्त करें। अभी जम्मू काश्मीर में एक पोलीटीकल मामला चल रहा है। उसमें आपका जो मीनियर वकील है उसकी फीस आप देते हैं। वहाँ पर पढ़ने एक वकील आपने मकरें किया, उसके बाद आप बिहार से एक वकील लाये जिनके बारे में कहा गया कि यह एस ह ई कोर्ट जब ह और उनकी क्रिमिनल ला की जानकारी बहुत अच्छी है। मगर उनके बाद आप एक और दूसरे वकील को फेजुल्स फीस देकर लाये क्योंकि उन्होंने कुछ कासेस मत्रियों के मुकदमों में इलाहाबाद में पढ़ी की थी। अगर आप किसी अच्छे क्रिमिनल लायर को लाना चाहते थे तो ऐसे किसी लायर को लाते जैसे कि हमारे पठिन जी बैठे हुए हैं। मगर उनका खयाल न कर आप ऐसे एक वकील को लाये जिसने कभी क्रिमिनल कोर्ट में प्रैक्टिस नहीं की और न हाई कोर्ट में प्रैक्टिस की।

उच्चाधिकार महोदय आपने भी इम्तिहान किया। पंडित जी के बारे में तो कहा पर जो साहब पंडित जी के पास बैठे हैं उनके बारे में नहीं कहा।

श्री सुशबल राय उनकी सिफारिश में किसी मामले में कसूर दूसरी बात मैं यह कहना चाहता हूँ कि सन् १९५७ में एक ला मिनिस्टर्स की कानफरेंस हुई थी और उसका जिक्र भी इसमें किया गया है। उनकी जो सिफारिशें हैं उनके बारे में कहा गया कि उनकी प्रामेसिग हो रही है। मैं तो यह जानना चाहता था कि जो वह कानफरेंस हुई क्या उसकी सिफारिशों को इम्प्लीमेंट किया गया। जाहिर सी बात है कि जब आप एक ला मिनिस्टर्स की कानफरेंस बुलाने हैं जिसमें सारे राज्यों के विधि मंत्री आते हैं और जिसमें आप भी शामिल होते हैं उसके जो फैसले होने हैं उनको कार्यान्वित नहीं किया गया। यह बड़े दुःख की बात है। उसका एक फैसला तो यह है

Checking of corruption in the administrative machinery of courts

दूसरे सैपेरेशन आफ ज्यूडिसरी फ्रॉम दी एग्जीक्यूटिव और तीसरे लीगल एंड टू प्रॉपर पीपल। ये आपने फैसले किये थे और मझे खेद के साथ कहना पड़ता है कि इन फैसलों पर आज तक अमल नहीं हुआ है जहां तक मुझे मालूम है। मेरी समझ में यह बात नहीं आती है कि जब आप ही फैसल करते हैं तो क्यों नहीं इन फैसलों को आप अमल में लाने हैं। मैं मानता हूँ कि लीगल एंड टू दी प्रॉपर देने में काफी दिक्कतें हैं, काफी कठिनाइयां हैं लेकिन मैं यह कहना चाहता हूँ कि अगर आप सभी मामलों में यह नहीं कर सकते हैं तो कम से कम घाग ३२ जो हमारे संविधान की है, जिसमें अगर किसी मिनिस्टर के फंडमेंटल राइट्स इनफ्रिज होने हैं, उसमें तो आप यह कर ही सकते हैं। आप दिल्ली में रहते हैं और दिल्ली में रहते हुए यह सहायता प्रदान नहीं कर सकते हैं, यह बड़े आश्चर्य की बात

है। गरीब आदमी जिसके फंडमेंटल राइट्स होने हैं, और जो अपनी गत सुप्रीम कोर्ट तक ले जाना चाहता है लेकिन ले जा नहीं सकता है, उसको तो कम से कम मुफ्त लीगल एड दे ही सकते हैं। इसका क्या जस्टिफिकेशन है कि आप फैसले करते हैं और अच्छे फैसले करते हैं, उनके पीछे अच्छी भावना रहती है, परन्तु जब उन फैसलों को अमल में लाने की बात आती है, तो आप हिचकचाते हैं। आप कहते हैं कि आप स्टेट्स को लिखते हैं लेकिन स्टेट्स को लिखने के बाद भी तो आपको इस पर विचार करना चाहिये कि आगे क्या कार्रवाई हो सकती है। केवल केवल राज्य ही एक ऐसा राज्य है जहां पर यह चीज की गई है और उसको छोड़ कर किसी भी राज्य में इस पर विचार नहीं हुआ है। मैं समझता हूँ अगर स्टेट्स से आप यह नहीं करवा सकते हैं, तो कम से कम मीटर में ही आप इस चीज को करवायें।

मुझे दो तीन बातें और कहनी हैं और विस्तार में न कह कर मैं केवल प्वाइंट्स ही बयान करूंगा। आपने यहाँ पर एक अनुवाद विभाग है ट्रान्slेशन विभाग है। मैं जानना चाहता हूँ कि इस विभाग की क्या कार्रगुजारिया है। सन् १९५० में हमारा संविधान बना था और उस समय उसका हिन्दी संस्करण प्रकाशित हुआ था। उसके बाद उसका संशोधित हिन्दी संस्करण आज सन् १९५९ में प्रकाशित किया गया है और यह भी तब जब मैंने इसके बारे में कई बार सवाल किये। दस बरस बाद हिन्दी संस्करण प्रकाशित किया गया। नौ सालों में वह हिन्दी का संस्करण ही प्रकाशित नहीं कर सका और इस बीच में उसमें साल संशोधन हो चुके हैं। आज भी आप हिन्दी भाषा भाषियों के ऊपर दूसरी ज़बान लादे हुए हैं जिसको कि वे पढ़ नहीं सकते हैं और जो चाहते हैं कि उनको हिन्दी में किताबें पढ़ने को मिलें, लेकिन मिलनी नहीं है। जब संविधान के अनुवाद में इतनी देरी हो सकती

है तो जो दूसरे कानून हैं उनका तो कहना ही क्या ।

अब मैं इलैक्शन कमिशन के बारे में कुछ कहना चाहता हूँ । वह भी आपसे सम्बन्ध है । इलैक्शन कमिशन को ऐसी कोई बात नहीं करनी चाहिये जिस से कि पेटिशनर को या रिसपॉण्डेंट को अधिक खर्चा करना पड़े या उनका खर्चा बढ़े । जितनी भी इलैक्शन पेटिशनर हुई है, उनमें इलैक्शन कमिशन ने सिक्वोरिटी के मामले में इतना पूरा दिया और एक रिमार्क किया कि एक एक करके देश की बहुत सी अदालतों ने माना और उन मामलों को धाँवर में हाई कोर्ट और सुप्रीम कोर्ट में जाना पड़ा और बहुत से पेटिशनर ऐसे थे कि जो चाहें वे बहा जाना भी चाहते थे लेकिन चूँकि उनके पास पैसा नहीं था, पैसों की कमी थी, वे जा नहीं सके । इस वास्ते मैं कहना चाहता हूँ कि इस तरह की बात नहीं होनी चाहिये ।

अब मैं रिमूवल आफ डिस्क्वालिफिकेशन के बारे में कुछ कहना चाहता हूँ । मैं जानता हूँ कि जो नया मसौदा मन् १९४६ में हुआ है उसके द्वारा आपने इलैक्शन कमिशन को यह अधिकार दे दिया है कि वह १४०(ए) के मानदण्ड किमी भी डिस्क्वालिफिकेशन को रिमूव कर सकता है । परन्तु डिस्क्वालिफिकेशन में कई फर्क होते हैं । एक डिस्क्वालिफिकेशन वह है जो कि इलैक्शन ट्रिब्यूनल की फाईडिंग से होती है । मैं यह चाहता हूँ कि इसके बारे में आपकी कुछ हिदायत होनी चाहिये । इसका कारण यह है कि इलैक्शन ट्रिब्यूनल ने जब फाईडिंग दे दी कि इसमें कोरप्ट प्रैक्टिस की है और उस प्रैक्टिस के लिये अगर वह डिस्क्वालिफाई हो गया है तो उसकी डिस्क्वालिफिकेशन जल्दी ही रिमूव नहीं किया जाना चाहिये ।

एक बात मैं यह भी कहना चाहता हूँ कि इलैक्शन कमिशन की ओर से गज्यो

को कुछ अनुदान दिये जाते हैं कि वे सहायता सूचियों को ठीक रख सकें, उनको छपवा सकें, उनमें सुद्धि कर सकें । मुझे यह देख कर आश्चर्य हुआ कि बहुत से जो अनुदान दिये जाते हैं, उनमें राज्य की जो आबादी होती है, उसका कोई हिसाब नहीं रखा जाता है, कोई उसका ध्यान नहीं किया जाता है । एक राज्य है जिसकी आबादी छ साठे छ करोड़ है, उसको एक लाख का अनुदान दिया गया है । पिछले साल उसे बीस लाख दिया गया था और बीस लाख के करीब वह खर्चा भी कर रहा है लेकिन अब उसको घटा दिया गया है और आबादी का कोई लिहाज नहीं रखा गया है, यह क्यों नहीं रखा जाता है, यह बात मेरी समझ में नहीं आती है ।

उपाध्यक्ष महोदय, कहने के लिए तो मेरे पास और भी बातें थी लेकिन चूँकि समय नहीं है, इस वास्ते मैं अपना भाषण समाप्त करता हूँ ।

Mr. Deputy-Speaker: Now, Shri Subman Ghose

Shri Warior. I made a submission that I wanted to speak. It has become almost a lawyers' day today. Why not call a layman who has experience of the dock?

Mr. Deputy-Speaker: We have actually started with a layman

Shri Subiman Ghose (Burdwan): If a layman is allowed to speak, he will make the judiciary subordinate to the executive

Shri Warior No

Shri Khadilkar. This is not fair

Mr. Deputy-Speaker: The hon. Member may now pull it out in as short a time as possible

Shri Subiman Ghose. The Law Commission was appointed presumably, I think, to reform the law and

[Shri Subman Ghose]

the law courts after Independence, according to the changed circumstances and in consonance with our training and culture and social needs. Undoubtedly, the Law Commission has done a Herculean task, but one thing that strikes me, and which perhaps has not been noticed by the Law Commission, is in regard to addressing the law courts

I do not know why after the attainment of Independence, when we are living in a republic, the address in law courts should be as 'My lord', or 'Your honour', or 'Huzur' or 'Dharma-vatar', and we should continue these things. It makes the judges assume an overbearing attitude and makes them touchy. I do not know whether it has actually happened or it is only a figment of imagination, but there is a story which is current which is this. One very big lawyer was arguing a case before a High Court Judge, and in this feeling he said 'Then gentleman'. That touched the Judge and he flew into a rage and said 'You must address the court very properly. You must not say like that'. The lawyer answered 'My lord I am sincerely sorry I called Your Lordship a gentleman'.

I think the time has come when this mode of address should be discontinued. Now practically it makes the business of the lawyer to eulogise and the Judges think that their business is to be eulogised. I request the Law Minister to take steps so that this form of address may be discontinued. Nowhere in the republican countries—I speak subject to correction—are the Judges addressed in such a way. We have continued with this because it is the system in vogue in England because the Judge there is thought to be the representative of the Majesty and therefore the Majesty is addressed through the Judge. Therefore, he is called 'My Lord' or 'Your Lordship'. But I think this is a medieval system in a republican country. I request the

Law Minister to take steps so that he might discontinue it.

The second point I want to urge is this. My hon friend was taking exception and saying that they will make the judiciary subordinate to the executive. I do not want to draw a distinction between the Law Ministry and the judges. Comparisons are always very odious. There may be very great men in the Law Ministry and there may be very great men among the judges. But the fact remains that if we give a blank cheque to the Ministry, we shall find that the High Courts will be filled up by party men. We have learnt by this time by bitter experience that defeated candidates in elections have been appointed Judges. That will be done, if this blank cheque is given to the executive. It is said often and on that the defeated candidate possesses the requisite qualification, that he is a B.L. and is a lawyer of some years standing, therefore, there is no harm in appointing him as a High Court Judge. But my submission is that that should not be done. However great he might be, he has chosen a career, he has taken to the life of a politician and if he is defeated in election, that shows that he is not wanted by the people. But then he becomes the people's Judge. That is an absolutely anomalous position.

I tried in the last session—I do not know whether you remember it or not—to bring forward a Bill for amending the Constitution regarding the appointment of Judges so far as article 217 of the Constitution is concerned but my misfortune was that I could not carry conviction with you and I ultimately withdrew it.

Shri Hem Barua (Gauhati) Conviction of the House

Mr Deputy-Speaker: He is talking of what happened in the Committee on Private Members' Bills and Resolutions.

Shri Subman Ghose: I think in the fitness of things the Governor should not have any hand in the appointment of Judges. It is the business of the Chief Justice of the respective High Court in consultation with the Chief Justice of India. To ensure real justice and fairplay, this rule should be followed, and the Ministers should not be given any power—the executive should not be given any power—to appoint Judges.

In this connection, I want to say that even in district courts, the munsif may be promoted as Sub-Judge. Once a person begins his career as a munsif, he becomes a Sub-Judge. I think that should be stoppage after that because it has been found from experience that promoted servicemen are not according to the needs of the country, or, if I may be excused for saying that, they are not efficient persons. If District Judges have to be appointed, they have to be chosen from among the lawyers of at least ten years' standing. They should be recruited invariably from among the lawyers and there should not be any promoted men from the promoted service brought into that post.

Secondly, I submit that in the Constitution there is article 222. But, what for is it there? It is almost a dead letter to all intents and purposes. We do not find that any right has been exercised under article 222 of the Constitution. If this article is applied it will prove two things: one, the oneness of India, if judges are transferred from one State to another. By remaining in one place for all time to come, there might be some sort of vested interests growing, if I may be permitted to say so. There may be some likes and dislikes of the judges towards some lawyers and towards some litigants. To ensure justice and fairplay my suggestion is that it will be better if the lawyers of one State are appointed judges in another State, not in the same State. That will ensure confidence of the lawyers and the litigant public.

Then, I come to another point, law's proverbial delay. There is delay everywhere and the law's proverbial delay is there. One thing that strikes me—one which has not been mended till now—is that we find the cases pending in the High Courts for such a long time and the rule itself becomes ineffective. I will give one concrete example.

One man was granted a permit for a motor route. Against that the aggrieved party made an appeal. He won the appeal. Then, it was carried on further appeal and this appellant won again. Then the defeated man, the man who originally got the permit for three years carried the matter on appeal to the High Court under article 226 of the Constitution of India. That remained pending in the High Court for more than three years and when the case was taken up it was found that the permission granted had expired and so the rule was infructuous.

If there is shortage of personnel, why not appoint more persons who can dispense quick justice? If it is found that the rule is infructuous, it will not inspire the confidence of the people or the litigant public.

I would like to submit one thing about the amendment of the Criminal Procedure Code. We are told that the Criminal Procedure Code was amended for speedy justice. My bitter experience is this. The Law Minister had been to my district on the 5th or 6th of February. He went to the law courts. I expected that he would go to the criminal courts. If he had, he would have found and would have been convinced that if a case is filed before a sub-divisional magistrate, the next date for appearance is fixed after 3 months.

Shri A. K. Sen: I did go there.

Mr. Deputy-Speaker: Learnt this also?

Shri A. K. Sen: I learnt it long ago.

Shri Subiman Ghose: The time at my disposal is very short and you have rung the bell. Naturally, I cannot discuss the Criminal Procedure Code now. But if the situation that has arisen as a result of the amendment of the Criminal Procedure Code is considered, I submit it has changed for the worse and not for the better. Practically, trials have been delayed by the amendment of the Criminal Procedure Code and I am ready to prove that. There has been delay in the trial. Moreover some of the things which should not escape the notice of the Law Minister, but which do are so very important, yet they are very minor and they do not speak well of the administration. I give one example. When the value of the stolen property is worth Rs 250 it is compoundable with the permission of the Court according to section 379 after the amendment of the Cr P C. It is a theft case. But the offence of receiver of stolen property has not been made compoundable according to section 411. It is possible that in one trial a thief and the receiver may both stand. The thief can compromise the case but not the receiver. I fail to understand how that is possible. Yet that has been passed by this Parliament in that amendment. The thief can go scot-free but not the receiver. I do not know who is the worst offender. He can compromise the case if he steals but if I receive the property from the thief I cannot.

I submit only one thing and that is my experience in this law-making body and I say that without meaning any disrespect. It has been said that in a war truth is the first casualty. If in this law making body there is any casualty, it is law. I request the Law Minister to take steps so that law may take its rightful position in this House.

Shri A. K. Sen: Mr Deputy-Speaker I must at the outset express my sincere appreciation for the remarks and constructive suggestions which have come from all corners of the House. The Law Ministry Demands came up for discussion in 1957 and this

is the second time that they have come up again before Parliament during my tenure of office. I noticed it then as I notice it today that it is our good luck that they were not discussed with any bitterness and it shows that we are functioning beyond the pale of controversy, whether it is this side of the House or the Opposition. Whenever matters pertaining to Law Ministry come up for discussion we are very glad to find that dispassionate and unprejudiced discussion is always brought to bear when the debate takes place in this House.

Mr Deputy-Speaker. Because law is no respecter of personalities.

Shri A. K. Sen. Law is not allied to any party nor is it fastened to the apron strings of any group. It was really very entertaining when I listened to Shri Khadilkar whom I always listened to with attention and respect and Professor Mukerjee. I really admire the speech of Professor Mukerjee because it is one which I really find completely divorced from passion and prejudice and all the other bias. I must say that he rose to very great height today when he dealt with the subject which he claims to have bidden good-bye to long long years ago. I must say that from all sides of the House we have had a very fruitful discussion and our Ministry is really obliged for the contributions made by everyone.

Let me at once clear some ground so that there may be no mistake about our functions and our responsibilities. My esteemed friend Pandit Thakur Das Bhargava rightly pointed out that it is not the responsibility of the Law Ministry to appoint Judges of the High Courts or of the Supreme Court. Nevertheless, we share the responsibility as Members of the Government and I do not think that we need feel ashamed about the way our Judges have been appointed ever since Independence in the High Courts or in the Supreme Court.

I do not for a moment acknowledge the criticism or the validity of the criticism which has been levelled here, partly based on certain odd observations here and there from the report of the Law Commission, that the party in power used its influence in the appointments of judges either of the High Court or of the Supreme Court. It was pointed out to the Law Commission, and it is my due to point it out here once again, that never during the last eight or nine years has the Government imposed any nominee of its own either in the High Court or in the Supreme Court. Invariably the recommendation of the Chief Justices has been accepted, excepting where there has been a divergence of opinion between the Chief Justice of a particular High Court and the Chief Justice of India, and it is only on one occasion, as far as I remember if my recollection is not wrong, that the Government accepted the nomination of the Chief Justice of India in preference to that made by the local Chief Justice. If there is such a divergence, the Government have to accept one in preference to the other, as it must, and, therefore, though our Ministry is not responsible for this appointment directly under the rules of business framed under the Constitution, yet, as one sharing the responsibility generally for all acts of Government, it is my duty to emphatically deny that there has been any irregularity or any impropriety in the matter of appointment of High Court Judges or Supreme Court Judges.

Reference has been made by my hon. friend, Shri Subiman Ghose and also by Shri Mukerjee to the appointment of a particular person, whom they have described as an "ex-judicial Minister and a defeated Congress candidate." Shri Mukerjee was very charitable in his reference to that gentleman because he knows him personally—a very honourable man, an able lawyer, who was not appointed by the Government but who was nominated by the Chief Justice of the local High Court. The Government

have no reason to veto the nomination of the Chief Justice, as it never does in a normal case.

I must say that I listened with great regret when Shri Subiman Ghose said that if appointments were left in the hands of the Government as it is now under the Constitution, we shall pack the Benches with Congress nominees. I think he used the expression 'party-men', I suppose he meant Congressmen. I think it stands to the great credit of this Government that it has never tried to do so, and not even its worst enemy has levelled that charge or has been able to substantiate that charge.

Shri Supakar: But there is a reference to that in the Law Commission's report.

Shri A. K. Sen: Whether there is any reference there or anywhere else, it is my duty to emphatically deny the validity of any such reference.

Shri Supakar: It is also alleged there it is the statement of a Judge of a High Court—it is on page 73.

Shri A. K. Sen: Without referring to any personality which may form the source of a particular allegation, and without casting any reflection on this source, it is my duty, again, to state before the House that any such allegation is not based on fact.

Shri Nath Pai: May I point out to him, Sir, because the Law Commission we appointed also will not be able to answer, that the way he is proceeding to reply shows that what they have said has no authority. In fact, I would say, we should see that their honour is also defended. He says "Whosoever may have said it, I deny." If he denies it he must conclusively establish in this House that these remarks to which we made pointed reference are wrong, unwarranted, by facts. Otherwise, may I point out the voice of the Chief Justice?

Mr. Deputy-Speaker: Let the Minister now substantiate his stand.

Shri A. K. Sen: That is exactly what I am trying to do, in answering what may have appeared in odd passages in the report. It is certainly not for me to brush aside or try to ignore those allegations because they are allegations which really merit an answer, and it is that answer that I am going to give. I have no doubt that the Home Minister, when his Demands for Grants come up before the House, will reply further.

But as I was telling the House—and that fact may be accepted without any doubt—never has an accusation arisen when the Government has imposed a person on either the high courts or on the Supreme Court against the nomination of the local Chief Justice or of the Chief Justice of India. There is no such instance.

Shri Nath Pal: I only wanted to read one sentence from the report. It says:

"Instances are known where the recommendation of the Chief Justice has been ignored and over-ruled and that of the Chief Minister prevailed"

This is a quotation from the Law Commission's report

Mr. Deputy-Speaker: Let us hear the Minister

Shri A. K. Sen: Unfortunately these instances are not given. Otherwise we could have said that those instances were either right or wrong. All that I can say is that never has an occasion arisen—I have said it once and I repeat it with the full authority that I have and with the facts I have at my disposal—when the Government have chosen to ignore the nomination of a Chief Justice in preference to one of its own. Only in one case, when there was a divergence of opinion between the Chief Justice of India and the Chief Jus-

tice of a local high court has the nomination of the Chief Justice of India been accepted in preference to that of the local Chief Justice. That is a fact. It is for the hon. Member to accept or not or to point out facts which prove to the contrary.

Shri Nath Pal: He is only repeating himself.

Shri R. D. Misra: (Bulandshahr): Can the hon. Member give any instance when there is no instance?

Shri Nath Pal: Can you confute what I have read now? This is a contradiction which should be substantiated.

Mr. Deputy-Speaker: It is quite right that there is a recommendation or, I should say, a finding by the Law Commission. But there is the right of the Government to accept it or differ from it. They have the right to differ.

Shri A. K. Sen: We shall be very glad and we shall certainly be prepared to correct ourselves—(Interruptions)

Mr. Deputy-Speaker: He is trying to give the answer. He complains that no instances have been given, and he says there are none. So, the hon. Members should cite one example at least to show that it was done

Shri Nath Pal: I cited the sources

Shri Braj Raj Singh: They might put their case before the Law Commission.

Shri Nanshir Bharucha: May I know from the hon. Law Minister whether, when his attention was drawn to this passage, a clarification was sought from the Law Commission as to why this allegation was made? He would have been justified in doing so.

Mr. Deputy-Speaker: The hon. Minister is not yielding to anybody. Therefore, I hope there would be no interruption.

Shri A. K. Sen: Perhaps if I had consulted the hon. Member earlier I might have taken that step. Unfortunately it did not occur to me then that I might have consulted Shri Naushir Bharucha. In any event, in the absence of any concrete instances where such an unfortunate thing may have happened, it is difficult to contradict specifically, and the contradiction must be in general terms as the allegation is. But, as I said, it is rather an unfortunate allegation and we should have been happier if any concrete instance was given illustrating that allegation, because a concrete illustration would have admitted of either no proof or disproof.

Shri Nath Pal: We remain totally unconvinced.

Shri Naushir Bharucha: Can I bring in personalities?

Shri A. K. Sen: If they are unconvinced, that is my misfortune. As I said, when the Home Ministry's Demands come here, they will be at liberty to mention such instances as they have in their possession, if any, in order to substantiate the allegations which have been made or supposed to have been made in the report.

Mr. Khadilkar said that no basic approach has been really indicated in the report. I cannot brush aside that remark very lightly. It is true, it must be admitted as such, that the Law Commission has not recommended any sharp departure from our rules of procedure or from the constitutional structure of our judiciary.

An Hon. Member: It is possible.

Shri A. K. Sen: Whether it is possible or not is a different matter. The fact is that no radical departure from

our traditional rules of procedure or from our traditional judicial structure has been indicated by the report of the Law Commission. According to them, it is for the House or for the Government, when firm decisions are taken on this report, to determine on this recommendation whether the traditional structure, traditional procedural laws modified as recommended by the report, are enough to guarantee for us a system of law and a system of justice which will bring to the door of the common man justice speedily and without considerable expenses. That, after all, is the aim of any society which seeks to cater to the welfare of the common man.

I readily concede that a system of justice which does not bring justice to the door of the common man and make the rights, liberties and the benefits conferred by our Constitution and our system of Government available to the common man without much effort cannot possibly endear itself to the public at large and it must be regarded as having failed in its primary objective. So, it must be the aim of any democratic society to see that the people living under it enjoy a system of justice which makes justice available to the common man. That must be our aim and the aim of Parliament, Government and everybody interested in the system of justice obtaining in our country. It is precisely for that reason that soon after our independence, this Commission was constituted to report on the entire judicial administration of the country and to recommend such measures as they would think necessary to be implemented for the purpose of making this benefit of justice available to the common man.

It is true that we may draw from the experience of many other countries in this field. Prof. Mukerjee had referred to the system obtaining in the socialist countries. I may submit that there are many things which may be learnt from there, but I must

[Shri A. K. Sen]

emphasise that our system of justice is basically sound and our judges, whether in the district or in the High Courts or in the Supreme Court have by and large contributed fruitfully to the development of a just social system and the development of a democratic society, which is guaranteed by our Constitution

I do not agree, if there be any suggestion to this effect, or if I have understood it rightly, I had possibly detected in certain quarters a suggestion that the quality of our judiciary has suffered a deterioration compared to the British days. One of the speakers had said that during the British days, justice was possibly better administered than it is today. I am afraid I cannot accept that suggestion at all

17 hrs.

I am afraid, I cannot accept the suggestion that the quality of our judges has suffered any deterioration. What has happened is that after independence, as a result of the many rights that the Constitution has conferred on the citizen as a result of many of the laws which had passed at the Centre and in the States, striving to create a Welfare State a new pattern of litigation had started, involving a great increase in the work, not only of the High Courts but also of the district courts. And yet we tried to achieve all that with the same number of judges which we had during the British days. I had seen in my own experience how during the Defence of India Act days, in the High Court and in the other courts, there was a terrific congestion of cases. Normal cases could not be disposed of and in many of the High Courts we have a legacy of those days even now. I have seen the judges of those days. I had appeared before them myself, some of them good judges, good English judges. I have also appeared before our judges

before and after independence. I am happy to say that even today our judges in the High Courts and in the Supreme Court, quality for quality, standard for standard, education for education and erudition for erudition, are equal to, if not superior to their compeers in those days. They have done a magnificent job in the Supreme Court and in the High Courts. They have upheld the principles of liberty, fundamental rights, democratic rights constitutionally guaranteed, they have restrained the executive from over-stepping its limit and they have, by and large, distributed justice equally, sternly and fairly.

Shri Braj Raj Singh: Nobody has disputed that.

Shri Panigrahi: He said "by and large".

Shri A. K. Sen: I am glad to hear that I have pleasure to hear that because I was trying to impress that

Shri Hem Barua (Gauhati): You were labouring under a misapprehension.

Shri A. K. Sen: I am very glad to hear that. If it is a misapprehension, I am glad to know that. But I thought some such doubt was expressed from some quarter. Even outside Parliament I have heard it said. Even the members of the Bar have often said that the judges during British days were better.

Now, with regard to the suggestions made by Shri Mukerjee, I agree with most of them. He says that our law needs simplification. There is no doubt about that. That is precisely the reason why a permanent Law Commission has been appointed to keep on revising our laws regularly so that old laws may be made up to date, laws which are cumbersome may be made more simple. I also agree with him that our laws should be related to the social norms which we have accepted for ourselves. Otherwise, our laws will become antiquated and

will not serve the purpose for which they are made. But that is the function of our Parliament and our local legislatures. It is not the function of the judiciary to create laws or to adapt laws to changing circumstances. The function of the judiciary here, as in other countries, is only to enforce and interpret the laws as are passed by the Parliament. It will be a very precarious precedent if we allow our judges to make laws. That will be overriding Parliament or usurping the functions of the legislature. And it has been, on the whole, a healthy precedent, here and elsewhere, that judges should not be legislators but are only to interpret the laws and enforce them.

Shri Hem Barua: After they retire?

Shri A. K. Sen: After they retire, if they are asked to interpret, they will do so, if they are given jurisdiction they will do so.

I agree also with **Shri Mukerjee** that our traditions should not be snapped completely. But too much traditionalism will tend to fetter our legal progress. We are obsessed by our traditional outlook. We are traditional by nature as a race. Whatever has been there in the field in olden days casts a halo over us. It is not only here, but in other fields also. It sometimes tends to blind our vision and fetter our receptive capacity in receiving ideas from abroad, or incorporating healthy precedents and healthy experiments in other lands in our own system.

As I said before, this country has proved beyond doubt in the 19th and 20th centuries how an alien system can blossom with all its beauty on a foreign soil, and the history of the plantation of the Anglo-saxon legal tree in this land is a very fascinating history.

Shri Hem Barua: They have planted tea shrubs as well.

Shri A. K. Sen: In your part

410 (A) L.S.D.—8

Shri Hem Barua: In your part too.

Shri A. K. Sen: They thrive very well. I do not think we should have any regret for that.

It is really a fascinating history to see how the English legal system flourished in this country, how we produced a galaxy of legal luminaries who can rank in stature with any other legal luminaries in any other country. In fact, students of legal history have really marvelled at the way our country received and gave new vigour and life to an alien system. Today, nobody thinks that it is an alien system. Today, from South East Asia up to the heart of Africa, the Indian Contract Act, the Indian Evidence Act, the Indian Penal Code, the Indian Criminal Procedure Code, the Indian Sale of Goods Act, various other Indian Acts are the laws in those countries. When the history of the journey of English law outside England, comes to be written in that perspective it will really make fascinating reading. But, however much we may be proud of our achievements in this historical growth of our legal system, we cannot afford to shut our eyes and ears to experiments outside and under other systems for the purpose of seeing that our system of justice really conforms to the social norms as pointed out by **Shri H. N. Mukerjee**.

Something has been said about Judges being appointed after their retirement or during their tenure. I think reference was made by a few Members to Chief Justice Chagla relinquishing his office and accepting the office of Ambassador for India to the United States. That fact proved, if proof is necessary, that in making such appointments, the Government certainly does not look for favourites. The history and antecedents of Chief Justice Chagla are well known to all who are lawyers. He was a fearless Judge and sometime, the Government rightly or wrongly felt that some of his attacks

[Shri A. K. Sen]

on Government were not justified. He had rarely missed an opportunity of hitting at the Government.

Shri Nath Pal: Sometimes, promotion is a clever way of getting rid of an inconvenient person.

Shri A. K. Sen: Anyway, he certainly was not one who bowed down before the Government at any stage.

Shri Hem Barua: That may indirectly mellow down the temper of the judiciary.

Shri A. K. Sen: Yet it shows that the discretion of the Government in appointing suitable men for suitable jobs should not be barred. It is a question of preventing the Government from making improper use of its power of appointment; it is not a question of barring legally the right of appointing proper men.

Today, for instance, we have appointed a retired Judge of the Supreme Court as the Chairman of the permanent Law Commission. If the recommendation of the Law Commission is to be accepted literally, then we should not have made this appointment.

Shri Nath Pal: It is a judicial job you have given him, a quasi-judicial job.

Shri A. K. Sen: It is not a judicial appointment, certainly not.

Shri Nath Pal: What does he do as Chairman?

Shri A. K. Sen: He certainly does not adjudicate upon the rights of persons.

Shri Nath Pal: Certainly it is not executive.

Shri A. K. Sen: He certainly does not adjudicate upon people's rights. A sweeping generalisation that no Judge should be appointed to any post cannot be accepted.

Shri Hem Barua: But what about mellowing down the temper of the judiciary? This sort of appointment might indirectly mellow down the temper of the Judges also.

Shri A. K. Sen: The very fact that one of the authors of that recommendation felt that it does prejudice the independence of the judiciary by accepting an appointment himself, disproves any such suggestion. I must say the strength and validity of that recommendation are, to a large extent shaken by the author himself taking a different course.

Shri Nath Pal: But even you will not say there are Chaglas in every High Court who can resist it

Shri A. K. Sen: There are not many posts of Ambassadors of that description either

Shri Subiman Ghose: But posts of Governors are there. Shri Fazl Ali is Governor.

Shri A. K. Sen: Yes, but it must be said to the credit of Shri Fazl Ali that there have been very few Judges like him in the Supreme Court, and he has done a very good job as Governor. Let us not drag in personalities. I refuse to believe that a good Judge, if a selection is made, will only look for promotion to this kind of job. In fact, Shri Fazl Ali is one of the Judges who condemned the Preventive Detention Act. He was in a minority in the Supreme Court in that case.

Shri Subiman Ghose: I do not doubt for a moment his ability, but what I want to ask is: is this the reward to be given to him for his ability?

Shri A. K. Sen: We do not accept it. That was your suggestion.

Shri Hem Barua: Then you vitiate the temper.

Shri A. K. Sen: Our case is that it is only merit, merit and suitability for the particular job, that determine the Government's decision in the appointment of a retired High Court Judge or a Supreme Court Judge to particular offices, and nothing else weighs with the Government. I think it will be a very bad thing if we legally bar the possibility of using the talents and aptitudes of our good Judges in directions where we might employ them most fruitfully for the good of the country. I do not think anybody suggests for a moment that the choice of Shri Chagla was a bad choice. In fact, his work in the country where he has been assigned has been admirable.

Shri Hem Barua: Not a bad choice, but might have a bad effect.

Shri A. K. Sen: Nothing much need be said in reply to this demand for a Ministry of Justice based on the recommendation of the Law Commission. It is not for me to answer that. It is really for the Prime Minister to answer that.

Shri Nath Pai: What will be your recommendation?

Shri A. K. Sen: I cannot recommend anything because personalities are involved in the matter, and any opinion on such a matter would be odious, and any undertaking for that purpose will be equally odious. Therefore, this demand, if at all, must be addressed to the Prime Minister. It might form the subject of discussion when the matter is debated in the House after decisions are arrived at by the Government on the recommendations of the Law Commission.

Only one thing more, and I shall resume my seat. That is in defence of a very dear friend of ours and a great lawyer who has served the Government of India very well, whose name was unfortunately mentioned by my hon friend Shri Khushwaqt Rai.

Shri Khushwaqt Rai: I did not mention any name.

Shri A. K. Sen: The description was so specific that all of us knew who he was. Reference was made to the senior counsel engaged in the Kashmir conspiracy case. I think in these matters enough reliance should be placed on Government in choosing proper men for the job. That case is of such great importance for the State of Kashmir and for India as a whole that I can assure the hon Member that nothing but the interests of the case weighed with the Government in the choice of the counsel.

An Hon Member: Hear, hear.

Shri A. K. Sen: His selection does not mean in any way that we place or we are going to place less reliance on the other counsel whom we have engaged. In fact, the case is of such a big dimension and of such a great importance that two good lawyers were necessary. I would only point out to hon Members that these are such delicate points that they cannot be answered because then I shall have to unfold a good many of the details relating to that case which it would not be either in the interest of the security of this country or in the interests of the country generally to disclose. In these matters, I think Government's bona fides could be relied upon and it can as well be disclosed that Government would in such cases act on the best advice that is available to it, because it is not a case which can be run on patronage.

Shri Subiman Ghose: But his is not the first appointment.

Shri A. K. Sen: Even then, the time of appointment, the place of appointment, and everything must be left to Government. It cannot be disclosed why he was appointed at a particular time or why he was not appointed at a particular time. In fact, it is not so. He was appointed from the very

[Shri A K Sen]

beginning, if the information is needed, he drafted the complaint. Then, he went to the United Nations, he was not in this country. I mean, these matters should be left to the discretion of Government. After all, Government is run not by half-wits but at least by people with some commonsense and some responsibility.

With these words, I once again express my deep gratitude to the Members who have contributed to this discussion.

Shri Nath Pal: May I bring to your notice one serious thing? I know that it will be far from Shri A K Sen's mind for more reasons than one to cast aspersions on the Chief Justice of India. But, unfortunately, that is the sum total of what he has done today, when he tried to reply to me on this point.

The quotation I gave was not the finding of the Law Commission, and that is a very serious point for this House, and for him as a constitutional lawyer, to consider. The quotation which I gave was from the Chief Justice of India. It is a very serious matter. Are we to go on spreading an impression in the country that the Chief Justice of India was lying? Before you give your ruling, I want to quote the words. I want to say that the explanation perhaps lies in what has been given to us by the Chief Justice of India. And the words that I quoted, when he challenged me to give an instance are his words. And these are his words:

"Indeed, instances are known where the recommendation of the Chief Justice has been ignored and overruled and that of the Chief Minister has prevailed. This unedifying prospect has brought about some demoralisation in the minds of the Chief Justices."

I know that the hon. Minister perhaps did not have it in mind, but I think in scoring perhaps a debating point,

and perhaps being loyal to the Home Ministry's practice, a very serious thing has occurred, and we want your guidance, Sir, in this matter, because the words challenge categorically that this is not so, not so, that has been a rebuttal without any kind of deference to the authority which has given this in testimony, who should know better what he was saying. I think the Chief Justice of India was aware of the responsibility and the heavy onus he carried with him when he made these remarks.

Shri A. K. Sen: May I say a word? There was no reflection on the Chief Justice. As for inference, an erroneous inference is not the monopoly of laymen only.

Shri Subiman Ghose: It may be that of the Law Minister also.

Shri A K Sen: An erroneous inference may be drawn by the highest also.

Mr. Deputy-Speaker: This was not a judgment in a case of a judicial pronouncement against which any reflection has been made.

Shri A. K. Sen: Even judicial pronouncements.

Mr. Deputy-Speaker: Then too, we can have a difference of opinion from the one that is held by the Chief Justice. There too, we can say that 'I am not of that opinion', though we have to submit to that pronouncement. That is the only thing. I do not think there is any reflection against the Chief Justice in this matter.

Shri Nath Pal: By implication.

Mr. Deputy-Speaker: This was only an observation by the Chief Justice. If the Law Minister feels differently, there is no harm in it.

Shri Hem Barua: There was an implication there.

Shri Nath Pal: I won't quarrel with your explanation. The Chief Justice knew it better when he said it.

Mr. Deputy-Speaker: The hon Member is entitled to that opinion, that the Chief Justice knew it better, and when the Law Minister says that about the facts that he has got and puts forward his opinion, there is no harm. I suppose that no reflection has been cast.

As regards these cut motions, may I know if any cut motion is desired to be put to vote or all these cut motions are being withdrawn by leave of the House?—I take it that all cut motions are being withdrawn by leave of the House

The Cut Motions were, by leave withdrawn

Mr. Deputy-Speaker: The question is—

"That the respective sums not exceeding the amounts shown in the fourth column of the order paper, be granted to the President, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March 1960, in respect of the heads of demands entered in the second column thereof against Demands Nos 70 and 71 relating to the Ministry of Law"

The motion was adopted

Mr. Deputy-Speaker: Now, would hon. Members like to start discussion on the Home Ministry's Demands or proceed with the half-hour discussion, so that the Demands of the Home Ministry are taken up tomorrow?

Some Hon. Members: Tomorrow

Mr. Deputy-Speaker: Then we shall proceed with the half-hour discussion.

**Half-an-hour discussion.*

17.22 hrs.

*PRICES OF PADDY IN MADHYA PRADESH

Shri Supakar (Sambalpur): Before I make a reference to the Starred Question No. 731, I want to make a very brief reference to the background of the situation

You know that in the month of November 1958, the National Development Council took a decision that the State would now go in for State-trading. That was widely publicised throughout the country, just before the harvesting time. After harvest, the cultivator has to sell his paddy and rice. But strangely enough, no precautionary measure was taken to see that this does not create any scare in the minds of the public. When a question about State trading in food-grains was discussed in the House on 12th March, 1959, the Government told us that they were not ready with a full scheme. At that time, apprehension was expressed by some of the Members in the form of a question I will particularly refer first of all to a question by Dr Ram Subhag Singh

"The scheme was announced in November 1958, and the hon. Minister himself admitted just now that the most effective way of controlling the prices is the prompt finalisation of this scheme. Assuming that he knows all these things, may I know why the finalisation of the scheme is being kept in abeyance?"

The Government's answer was that the time-lag was due to the paper being prepared and being circulated among the States, their opinions being received; he said then the Cabinet would take a decision and the matter would then be put before the House. By the time the matter comes before the House, the necessity of protecting the interest either of the purchaser or of the producer will, I believe, have gone; by that time, I believe the next sowing season will have commenced.

[Shri Supakar]

At that time, Shri Thirumala Rao expressed the apprehension that in the mean time the grains would have gone underground, that is, by the time the Government came to a decision. That apprehension has been realised and today the position is this. The Government of India says that it does not take any responsibility for the procurement of paddy but it takes responsibility for the procurement of rice from the States of Madhya Pradesh and Orissa and others.

There was a specific question put on 12th March, 1959 by Shri Khadiwala and Shri K. B. Malavia:

"Whether it is a fact that in Madhya Pradesh cash payments are not made to the peasants while purchasing rice as a result of which peasants are compelled to sell their rice for cash payment to the merchants at lower prices; and whether it is also a fact that paddy and rice purchased at lower prices on cash payment are sold by the merchants at the Government at higher prices?"

The Government conveniently evaded answering the question saying that the responsibility for purchasing paddy rests with the Government and spoke nothing about the responsibility for purchasing rice.

In the meantime there was some agitation in the State and there was a conference between the representative of the Government of India and the representative of the State—I believe the Commissioner of the Division—from which I know that out of 28,000 tons of rice purchased on behalf of the Government of India at a price of about Rs. 1 crore and odd, though the rule is that the producer must be paid within 24 hours of the giving of rice, the Government of India had paid only Rs. 45 lakhs, though they had purchased rice worth over one crore. The consequence of such a transaction is that the cultivator who has to pay his rent which falls due in M.P. by the 15th of December each year has to pay his rent and purchase

other things as soon as the harvest is over. He has to bring the rice or paddy to the centre. When he finds that the Government agent is not in a position to pay the price, he cannot go back to his own village and come again. Therefore, he has to undersell the rice to the middleman. I am told very reliably that now rice is being sold at Rs. 9 per maund, as we know also from the question which was put by Shri Shukla himself—it was Question No. 731—paddy is selling at the rate of Rs. 4 or Rs. 5.

On account of these facts questions are put to focus the attention of the Government to the difficulties experienced by the cultivators. But, unfortunately, Government pays no heed. Consequently, the cultivators who had bumper harvests this year and who had expected some return for their labour were practically cheated by the middlemen; and also the purchaser who expected that because there was a bumper crop he would get rice and paddy at cheap rates is disappointed. So, the Government's responsibility is not discharged.

I learn from newspaper reports that there was an agitation among the cultivators in M.P. in the Chattisgarh, Drug and Rayagarh area and by the 12th March, 1959 as many as 800 persons were arrested. It is a sorry state of affairs. The Government gives certain hopes and promises certain things but it does not keep them and it is not able to fulfil those promises. As a consequence the agriculturists not only suffer but they are forced to take recourse to agitation and many persons are arrested. I do not know when the Government will be ready with the scheme for State-trading perhaps when necessities for State-trading might have vanished. Probably when the next season comes, we might have some drought or flood or something and then the agriculturist may find that he is in the same position in the next year as in this year, the only difference being that he has to blame the Government for this year's catastrophic results. I have

nothing more to say. I believe what is happening in Madhya Pradesh is also happening in Orissa and that is why I tabled this half-an-hour discussion. I believe that some of my friends from Madhya Pradesh will bear me out in this matter.

सरकार श्री. सि. सट्गल (जंजीर) :
उपाध्यक्ष जी, मेरे मित्र ने कहा है कि रायपुर और हुग में करीब २०० आदमी गिरफ्तार हुए हैं। मैं उनसे जानना चाहूँगा कि वहाँ पर जो एजीटेशन शुरू किया गया है वह किस की ओर से किया गया है। मुझे मालूम है कि हमारा बिलासपुर जिला सरप्लस जिला है और हम वहाँ से जितना अनाज भेज सकते हैं भेज रहे हैं। वहाँ में अरुण जानता है कि हमको जितनी तादाद में चावल खरीदना चाहिए वह हम नहीं खरीद पाये हैं। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि धान का भाव निर्धारित करने से पहले हमको यह देख लेना चाहिए कि काश्तकार का इस पर कितना नुकसान होता है और उसके बाद ही भाव निर्धारित करना चाहिए था। हमको काश्तकार की आमदनी का ध्यान रख कर भाव निर्धारित करना चाहिए था लेकिन यह नहीं किया गया।

इसके अलावा मैं यह कहना चाहता हूँ कि हमारे चन्द प्रोड्यूसर अपना माल नाकर व्यापारियों को बेच रहे हैं क्योंकि हमारी खरीदने की व्यवस्था ठीक नहीं है और इससे मिडिलमैन को लाभ हो रहा है। इस बारे में मैं अपने मित्र से सहमत हूँ।

लेकिन अब जो हो गया सो तो हो गया। आयन्दा हमको यह करना चाहिये कि जो गन्ना पैदा होता है उसके खर्च का तत्समीना करे और उसके बाद किसान का लाभ रखते हुये कीमत निर्धारित करे। आज जो एजी-टेशन हो रहा है उसका कारण गवर्नमेंट की कुछ कमजोरियाँ हैं। इसका मुख्य कारण यह हो सकता है कि हम लोगों ने जो भाव निर्धारित किया उस वक्त जो काम करने वाले लोग हैं उनको ठीक तरह से नहीं मसाला

मया। आज तो मैं देखता हूँ कि बिलासपुर में बहुत गन्ना खरीदा जा रहा है। खरीद-गड में कितना खरीदा जाता है यह मैं नहीं कह सकता। लेकिन काफी तादाद में हमारे यहाँ से गन्ना भेजा जा रहा है। मुझे रीजनल सुपरिटेण्डेंट, बिलासपुर से मालूम हुआ कि रायगड जिले को जो बैगन दिये गये थे वे ठीक तरह से भरे नहीं जा सके। मैं समझता हूँ कि किसी भी सरकार का कर्तव्य है कि अगर उसके पास स्टॉक है तो उसको जल्दी भर कर भेज देना चाहिये। लेकिन इस सम्बन्ध में मैं यह फिर कहना चाहता हूँ कि हमारे किसानों को जो भाव मिलना चाहिये था वह नहीं मिला है।

जब हमारे यहाँ स्केयरसिटी होती है उस वक्त के रिकार्ड को देखा जाये तो आपको मालूम होगा कि बिलासपुर सरप्लस रहता है। लेकिन मेरा सुझाव है कि हमारे जिले से गन्ना खरीदने में सरकार को खरीदने की ठीक व्यवस्था आयन्दा में करनी चाहिये और उम्मी के अनुसार काम होना चाहिये।

Shri Panigrahi (Puri): Mr. Deputy-Speaker, Sir, I am glad that this half-an-hour discussion has raised some important points so far as the procurement of rice in Madhya Pradesh is concerned.

Mr. Deputy-Speaker: Normally other hon. Members can put only questions.

Shri Panigrahi: Sir, two or three questions come to my mind, and would request the hon. Deputy Minister to answer them. The Government has said that the State trading scheme itself has not been finalised yet by the Centre. Therefore, I would like to know under what schemes the different State Governments like those of Madhya Pradesh and Orissa have been procuring rice and paddy on their own behalf and on behalf of the Government of India. Secondly, it has been estimated in the beginning

[Shri Panigrahi]

that there should be a surplus of 4 lakh tons of rice in Orissa and about 3 lakh tons of rice in Madhya Pradesh. But it is now being calculated that this surplus may come down. It may be that the rice which was expected to be surplus has gone underground because of the defective working of the State trading scheme

I would like to be enlightened on this point as to why, when the Government had not finalised the scheme of State trading, the State Governments were not asked to at least appoint—where there is no co-operative—village panchayats to go into procurement from the villages I think that should have helped matters. The Government should have at least advanced some money to the panchayats—where there is no co-operative—instead of appointing those purchasing agents without having any scheme for procurement of rice and paddy finalised.

Shri Radhelal Vyas (Ujjain): Sir, I have only two or three questions to ask of the Deputy Minister. First of all, as already explained by my hon. friend here, there were no adequate arrangements for purchasing the whole stock that came to the market nor was there adequate arrangement to provide all the money that was required to purchase the paddy or the rice that came to the market. I would like to know whether still this State trading scheme has not been finalised and how long this experiment of price-support scheme will continue. Already the new wheat crop has begun to come to the market and in the next fortnight it will be available in plenty. I would like to know why this scheme has not been finalised. Have they not gained experience for the last two or three months? Why should there be so much delay in finalising this scheme? Would it not cause some harassment or loss to the cultivators? I would like to have an answer from

the hon. Deputy Minister. Especially when the State Government of Madhya Pradesh has been pressing and urging on the Central Government to fix the price for wheat, I would like to know why they have not been able to fix a price as yet.

Rice has been procured in the Chattisgarh area. But it is taken, of course, under permit to Bombay or other deficit States. I would like to know why the Central Government has not put any ban on the export of rice from these deficit areas. It cannot go out of Madhya Pradesh without a permit, but from Bombay it can go to any part of the country with the result that the traders there can take the rice to any part. Very high quality rice can be taken to any part of the country and middleman's profit can be earned. Therefore, I would like to know why a ban should not be put on the export of this commodity from those States which are already deficit and which depend on supplies from other States or from the Centre.

My third question is in regard to the northern districts of Madhya Pradesh.

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas): To which deficit State is my hon. friend referring?

Mr. Deputy-Speaker: Bombay.

Shri Radhelal Vyas: Rice is allowed to be exported from Bombay, and there is no ban on it. Bombay is heavily deficit. Now, my third question is this. In my State of Madhya Pradesh, Morena used to depend on supplies of rice from Gird or Bhind districts. But it is a border district. Uttar Pradesh is just on the border and the price of rice is very high. Now, I learn that two lakhs of maunds of rice were allowed to be taken to Morena from Chattisgarh area under permits issued by the collector, and what happened to it? The price was

paid at the rate of Rs. 15 per maund in Chattisgarh area and the traders and businessmen of Morena paid a little more than that; they bring the rice to Morena and then smuggle and sell the rice to the smaller traders at the rate of Rs. 18 per maund. The latter sell the rice to others at the rate of Rs. 20 and then the rice comes to Dholpur and from Dholpur it goes to Agra or other parts of Uttar Pradesh and sells there at the rate of Rs. 24 a maund. Now, I can understand that if the people of Morena are in need of rice they must be supplied, but why should it not be allowed to be sold at the price which is allowed for the fair price shops and why should it be allowed to be freely moved or passed on from one trader to another trader in these districts from where the rice is procured? Should any ban be not put? What arrangements are being made to check the smuggling and the increase in price, by the Central Government? I would like to know that

Mr. Deputy-Speaker: All the three questions have been put now.

Shri Radhelal Vyas: I should like to put a few more questions. I would like to know whether definite orders have been issued to purchase hand-pounded rice, because there were complaints about this. Then there were also complaints that there were different qualities of rice produced in the different districts of Chattisgarh area. For example, the rice produced in Durg or Surguja or Bastar differs in quality from district to district. I want to know whether this difference in quality has been taken into consideration. There were complaints that prices were fixed on the basis of a particular quality, and the quality which was found in one district was not available in another district. The quality differed. I want to know whether anything has been done or any orders have been passed to remove this anomaly, so that the cultivators

of all the other districts may be equally benefited.

अ रं सि किनेवार (होशंगाबाद) :
उपाध्यक्ष महोदय, बहुत सी बातें माननीय सदस्यों ने इसके सम्बन्ध में कही हैं। मुझे केवल एक बात ही विशेष रूप से कहनी है और मैं माननीय मंत्री महोदय से जानना चाहता हूँ कि जब किमी गल्ले की खरीद के लिए सरकार की ओर से कीमत मुकर्रर की जाती है तब किन किन तथ्यों पर ध्यान दिया जाता है। क्या यह बात तो नहीं है कि अचानक ही किमी गल्ले की कीमत मुकर्रर कर दी जाती है? इसमें तो किसानों के रास्ते में बड़ी घड़बड़े आ सकती हैं, बड़ी कठिनाइयाँ आ सकती हैं, बड़ी तकलीफों का उनको सामना करना पड़ सकता है। कीमत मुकर्रर करने वक़्त क्या आप इस बात का भी ध्यान रखते हैं कि पैदा करने में किनना खर्चा आता है या नहीं रखती है? क्या यह भी देखा जाता है या नहीं कि पिछले पांच सालों में किस तरह की फसलें हुई हैं? गेमा भी होता है कि दो साल तो अच्छी फसल होती है, दो साल साधारण होती है और एक साल बुरी होती है।

पैदावार देखने के पहले क्या इस बात का भी ध्यान रखा जाता है अथवा नहीं कि पांच सालों में जितनी पैदावार हुई है, उसकी औसत के ऊपर अदावा पैदावार का लगाया जाये? पटवारी लोग या दूसरे लोग जब पैदावार की जाच करते हैं तो वे अच्छे से अच्छे खेतों को ही देखते हैं और अच्छे से अच्छे खेतों में भी खेत के उस टुकड़े को देखते हैं जहाँ पर फसल बहुत अच्छी हुई होती है जिसका नतीजा यह होता है कि जो अदावा होता है वह बहुत ज्यादा का होता है जबकि फसल उतनी होती नहीं है। ऐसी सूरत में जो औसत निकाला जाता है वह बहुत ज्यादा का निकलता है। मैं जानना चाहता हूँ कि क्या औसत निकालने का कोई सही तरीका भी आपने निकाला है या नहीं निकाला है।

[श्री २० सि० किलेश्वर]

मैं यह भी जानना चाहता हूँ कि उसकी क्या कीमत बैठती है, क्या खर्चा बैठता है फसल काट लेने के बाद बाजार में ले जाने से, इसका भी क्या ध्यान रखा जाता है? मैं चाहता हूँ कि इसको भी धापको ध्यान में रखना चाहिये। यह बहुत जरूरी चीज है। इसके बारे में कोई वैज्ञानिक प्रणाली निकाली जानी चाहिये थी जिससे कोई गलती की सम्भावना न रहे।

मैं यह भी जानना चाहता हूँ कि कीमत मुकदर करने के पहले क्या किसान से या किसानों की किसी संस्था अथवा संस्थाओं से सरकार कभी सलाह लेती है या सलाह देने के लिये उनको बुलाती है अथवा नहीं बुलाती है क्या उनका बुलाना सरकार जरूरी समझती है या नहीं समझती है? मैं एक किसान हूँ और मैं जानता हूँ कि किसानों को किन किन मुसीबतों का, किन किन कठिनाइयों का सामना करना पड़ता है। मैं मसी भांति जानता हूँ कि अगर किसान की फसल धक्की होती है तो लोग चिल्लाना शुरू कर देते हैं और कहना शुरू कर देते हैं कि बहुत धक्की फसल हुई है, लेकिन अगर बुरी होती है तो उसकी बात कोई पूछता नहीं है। जो मुसीबतें किसान उठाते हैं, उन्हें वही जानते हैं।

मेरे मित्रों ने बताया है कि छत्तीसगढ़ में क्या हुआ है। वहाँ के किसान आज अत्यन्त निराश हैं। उनमें कोई उल्हाह नहीं रह गया है और न गल्ला पैदा करने में उनकी कोई रुचि रह गई है। मैं समझता हूँ कि उनके धान की जो कीमत मुकदर की गई है उसमें यह ध्यान नहीं रखा गया है कि पिछले चार पांच सालों से बहुत बुरी फसलें छत्तीसगढ़ में हुई हैं।

मैं यह भी जानना चाहता हूँ कि जो गलतियाँ धान की सरकारी खरीदों में छत्तीसगढ़ में हुई हैं, उनको दौड़ाया न जाये, इसके बारे में सरकार क्या कर रही है? यह बहुत जरूरी है कि उसके ऊपर सरकार विचार करे और जांच करे और

अगर आवश्यक प्रतीत हो तो एक छोटी सी समिति भी बना दे जो जांच पड़ताल करके उपाय सुझावे। अब सरकार गल्ले का व्यापार अपने हाथ में लेने जा रही है और उसे देखना चाहिये कि जो भी तरीका वह अपनाये वह फूलभूक ही और बेचारे किसान मारे न जायें। जिस प्रकार का चोटाला छत्तीसगढ़ में हुआ है, जिसकी वजह से किसानों को इतनी परेशानी का सामना करना पड़ा है, वैसा भागे नहीं होना चाहिये। अब सरकार बहुत बड़ा धंधा गल्ले की खरीद का अपने साथ में ले रही है और ऐसा नहीं होना चाहिये कि वे गलतियाँ फिर से हों।

किसानों को पैसा देने के बारे में भी वहाँ पर माननीय सदस्यों द्वारा कुछ बातें कही गई हैं। मैं चाहता हूँ कि किसानों को उसी रोज पैसा मिल जाना चाहिये और अगर नहीं मिलता है तो उनको बहुत भारी मुसीबत का सामना करना पड़ सकता है। वे बेचारे २५-३० मील से अपना माल लाते हैं और अगर उनको पैसा उसी रोज नहीं दिया जाता है तो इसका नतीजा यह होगा कि उन को पैसा मिलने तक पेड़ के नीचे पड़ा रहना पड़ेगा और न खाने को मिलेगा और न ही उनके बैलों को चरने के लिये कोई चीज मिलेगी। इसवास्ते मैं चाहता हूँ कि सरकार पैसे का प्रबन्ध पहले से ही कर ले और उन को उसी दिन पैसा दे दिया जाय।

Shri A. M. Thomas: Mr. Deputy-Speaker, Sir, the discussion has been raised on procurement prices in Madhya Pradesh, but a vast field has been covered by several Members. However, I am glad that I have got this opportunity to dispel certain doubts which have been cast on the procurement operations that we are having now.

Mr. Supakar, who initiated the discussion, charged the Government that we announced the policy of State

trading but no precautionary measures have been taken to see that state trading, whenever it is to be introduced, is not being torpedoed and that the possibility of stocks going underground has not been taken into consideration. It is true that there has been some delay . . .

Shri Supakar: Long delay.

Shri Thomas: . . . in the matter of finalisation of the state trading scheme. The various stages that the scheme has passed through have all been explained to this House on more than one occasion. Two days back, there was a question concerning this and my senior colleague, the Minister, explained the various stages through which the draft scheme has passed and he has also said that it is now under the active consideration of the Cabinet. It will not also be correct to charge Government that precautionary measures have not been taken which would fit in with the policy of state trading, whatever shape it may ultimately assume.

Our procurement operations themselves are in the direction of state trading and hon Members would concede that if we want to have state trading, the object is that Government should have control over the marketable surplus in the country. The object is socialisation of the wholesale trade. It is something elementary that in its implementation the quantities that the Government can procure and can take control of will determine the capacity of the Government to control the price level and also the question of having State Trading in the end.

As the question itself refers to procurement operations in Madhya Pradesh, I may state that we have got a Central Government machinery there for procuring whatever quantity of rice is available. It is not correct to say that we are making delays in the matter of purchase, that

we are not prompt in the matter of payment and that we are making undue delays in these respects. These allegations, I am afraid, are either too exaggerated or without any basis.

Pandit J. P. Jyotishi (Sagar): Is the machinery widespread?

Shri A. M. Thomas: I will come to that.

Mr. Deputy-Speaker: We have exceeded all the surplus in time already.

Shri A. M. Thomas: Coming to Madhya Pradesh, according to the account that we have received in the Ministry, on the 13th March we have been able to procure 178,000 tons of rice in Madhya Pradesh. Out of these 178,000 tons, 142,000 tons have already been moved from the senders of procurement. I am referring to this because an allegation has been made that quantities are not being moved. Whenever necessary, we have been running special trains so that there will not be any difficulty in the matter of storage.

Pandit J. P. Jyotishi: On a point of information. Has it been purchased from the cultivators?

Shri A. M. Thomas: I am coming to that also. In Madhya Pradesh the Central Government is procuring rice, and the State Government is procuring paddy. We have fixed the price of paddy on the basis of the price we have fixed for rice. The State Government has purchased about 73,000 tons of paddy on 13th March, 1950. So, the Central Government machinery and the State Government machinery are operating there side by side, our machinery for the purchase of rice and the State Government machinery for the purchase of paddy.

Then, an allegation has been made with regard to payment. My information is that daily bills are being drawn to the extent of Rs. 15 lakhs to Rs. 20 lakhs for this. Care is taken to see that payment is made at least within

[Shri A M Thomas]

48 hours of the time of purchase. The hon House will grant that when it is the Government machinery which is purchasing the officers have to exercise due control that quality is according to sample, quantity is not short and so on. Naturally, that will take some time. The price depends on the quality and unless the quality is good we cannot purchase it, because this is meant for long time storage. So, these circumstances must also be taken into consideration. Of course, all avoidable delays must be avoided. But if we commit any mistake at this stage, if we are careless in our purchase of rice, as the House knows very well, there is a likelihood of our losing crores of rupees of the taxpayers' money, which has to be guarded against. Therefore, even if there is some delay, it is an unavoidable delay, and we are as anxious as the House that everything should be expedited.

Then, Shri Supakar referred to the State of Orissa. In Orissa the State Government is procuring on our behalf. We have also got our machinery there to take over from the State Government whatever is procured by that agency. After discussion we found that the State Government was in favour of having their own machinery for procurement operations and not the Central Government machinery. In these matters, we have to give some consideration to the feelings of the State Governments.

In Orissa, on our account, 51,900 tons of rice have been purchased up to 13th of March. The paddy that has been purchased on our account comes to 29,500 tons. In Orissa also, it may be said that procurement operations are proceeding satisfactorily.

It has been said that we are rejecting large quantities and that all that is being offered is not purchased. Of course, as I have already said, we must have some regard for quality. Wherever possible make some relaxation. At one stage rice offered with

percentage of broken up to 35 per cent was being purchased upto 27 per cent is a tolerable limit. We have gone beyond that. We have now given instructions that rice with broken up to 40 per cent may also be purchased. So that, whatever possible steps can be taken in the matter of procurement, we are taking.

Shri Supakar: May I be excused for a little interruption? Is it a fact that the quality of rice which the Government refused to purchase from the producer on account of its being lower than the required standard, the very same rice is purchased when it passes through a middleman and the Government purchase the very same thing?

Shri A M Thomas: No, only if it is brought within the permissible limit, we will purchase. It is very easy for the producer himself or the person who tenders for sale, just to bring it within the permissible limit. There is absolutely no difficulty. That is not a difficult process to have the percentage of broken in a particular lot brought down. There is no difficulty at all.

Some Members referred to the agitation that was carried on in Madhya Pradesh.

Mr Deputy-Speaker: What the hon Member said was that one quality was refused when it was in possession of the cultivator or producer, but the same was taken by the Government when it passed through a broker or middleman.

Shri A. M Thomas: It is absolutely incorrect.

Shri Supakar: I hope it is incorrect.

Shri A M Thomas: I can assure the hon House that we have set up a very efficient procurement machinery in Madhya Pradesh. We have got our own officers from the Centre

who go there occasionally and supervise these operations. As far as possible, we find that as much care as possible is taken in these matters. I do not think that that allegation is correct. It may be a fact that quantities which we could not afford to take have gone into the hands of middlemen and they would have brought it within permissible limits by adding good quality rice and then sold it. The very same quantity: it is too uncharitable an allegation to be made against them. The procurement machinery has functioned there for some time. I do not think such allegations have ever been made. At any rate, no such allegation has come to our notice.

Some reference was made to the agitation carried on in Madhya Pradesh. I am glad to read from the papers that that agitation has been advisedly withdrawn.

Shri Supakar: Since when?

Shri A. M. Thomas: Perhaps recently. Better late than never.

Hon Members will concede, as far as Madhya Pradesh is concerned, the placing of the ban on export of paddy has been a desirable step. The ban on the export of rice, and paddy products has been imposed on the 20th of December, 1957. That it has been beneficial to the people of Madhya Pradesh taken as a whole is evident from the fact that although in Madhya Pradesh there was a shortage of production in 1957-58 from that of 1956-57 to the extent of more than a million tons of rice, Madhya Pradesh was able to survive the crisis, and when prices of rice went up in other parts of the country, prices did not go up to that extent in Madhya Pradesh, so that the ban could be considered to have been a very beneficial step.

18 hrs

Shri Panigrahi: What was the estimated surplus in Madhya Pradesh?

Shri A. M. Thomas: So, the agitation was mainly carried on for the

raising of the procurement prices, or for removing the ban so that it would facilitate the producers to export it to other deficit areas. I do not think that any Member would argue for the position that it would be desirable to remove the ban.

Mr. Deputy-Speaker: If he has much more to say, then he might lay a statement on the Table of the House.

Shri A. M. Thomas: No, Sir. I will finish within five minutes.

Then the only thing that the Government can do is to procure the surplus quantity that would be available there, for which we have set up the machinery. That our machinery is beneficial from the point of view of the producer will be seen from the fact that the open market prices in Madhya Pradesh are a little lower than the procurement prices themselves, so that our procurement prices serve as a sort of price support.

The charge has been made that large quantities are being smuggled from Madhya Pradesh. Perhaps there is some smuggling, but that there has not been any large-scale smuggling will be borne out by the fact that the open market prices are a little less than the procurement prices. If there is large-scale smuggling, what we would naturally expect is that there would be a rise in the open market prices, whatever be the controlled or procurement prices, but that does not exist there. Our information is that while the procurement price for coarse variety is Rs 15, the open market price is Rs 14.37 and in certain other areas Rs 14.

Then the question of the basis on which these procurement prices were fixed has been raised by one hon. Member, the last hon Member who spoke. This matter has been explained more than once before the House. It has been stated that the procurement prices have been based firstly on the procurement prices in force in

[Shri A. M. Thomas]

1952-53, and secondly, on the post-harvest prices of rice in 1955-56, 1956-57 and 1957-58.

In Madhya Pradesh the procurement price in 1952-53 for coarse common variety was only Rs. 12. The question of Orissa was also raised. In Orissa the procurement price in 1952 was anyhow less than the procurement price that we pay now.

Regarding post-harvest prices, in Raipur for common market in December 1955 it was Rs. 12.50; in January 1956 it was Rs. 12.25; in December 1956 it was Rs. 15 and in January 1957 it was Rs. 17; in December 1957 it was Rs. 19 and in January 1958 it was Rs. 16.

So, my hon. friends would, I think, agree with me that the prices that we

have fixed for Madhya Pradesh as well as for other States are quite reasonable, and this fact has been explained more than once before the House.

I think I have answered almost all the points that have been raised by hon. Members. As I said in the beginning, I am glad that this opportunity has been given to the Government to dispel some of the doubts that have been raised with regard to the procurement of rice.

18.05 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, the 19th March, 1959/Phalgun 28, 1880 (Saka).

[Wednesday, March 18, 1959/Phalgun 27, 1880 (Saka)]

ORAL ANSWERS TO
QUESTIONS

S.Q. No.	Subject	COLUMNS
1326	Magnesium carbonate	6845-47
1327	Lok Sahayak Sena	6847-51
1328	States Tribes Advisory Councils	6851-52
1330	Water Supply in Delhi	6853-54
1331	Ordnance Factory, Khanna	6854-61
1332	Advisory Committee for Libraries	6861-62
1333	White cement	6862-63
1334	Pension and gratuity cases	6863-68
1336	Scientific Policy Resolution	6868-69
1337	Republic Day Celebrations	6869-70
1339	Boat accident	6870-71
1340	Export of Iron and Steel Scrap to Japan	6871-72
1341	Pre-examination coaching for Scheduled Castes and Scheduled Tribes Candidates	6872-75
1345	Salary Saving Scheme	6875-77
1348	Mineral Survey in Southern India	6877-79
1347	Oil Survey by Stanvac	6879-80

WRITTEN ANSWERS TO
QUESTIONS

S.Q. No.	Subject	COLUMNS
1325	Defence Research and development Advisory Committee	6880-81
1329	Aligarh University	6881
1335	Pipeline from Assam Oil Fields to Refinery	6881-82
1338	Employment of non-Himachalis in Himachal Pradesh	6882
1342	National Coal Development Corporation	6882-83
1343	Commissioner for Sales Tax, Delhi	6883-84
1344	Automatic rifles for armed forces	6884
1346	Polyandry in Himachal Pradesh	6884
1349	Maulana Azad's Memoirs	6884-85
1350	Laterite stones	6885-86
1351	Alloy and tool steel	6886
1352	Death of Indian doctor in Nepal	6887

WRITTEN ANSWERS TO
QUESTIONS—contd.

S.Q. No.	Subject	COLUMNS
1353	Management of Public Funds in Air Force	6888
1354	Industrial Finance Corporation	6888
1355	Manufacture of Aeroplanes in Hindustan Aircraft (Private) Ltd.	6889
1356	Export of pig iron	6889-90
1357	Powers of Governors	6890
1358	Child-lifting	6890
1359	Foreign Loans	6890-91
1360	Auto-car refuellers for I. A. F.	6891
1361	Karakudi Research Institute	6892
1362	Prof. Kaldor's suggestions about integrated Tax Structure	6892-93
1363	Banaras Hindu University	6893
U. S. Q. No.		
2064	Production of coal	6893-94
2065	Legal aid to Scheduled Tribes in Punjab	6894
2066	Exemptions from Income Tax in U. P.	6894-95
2067	Staff in the Ministry of Education	6895
2068	Corruption among policemen	6895
2069	Daulatabad Fort	6895-96
2070	Excavations in Nander District	6896
2071	Concession to Scheduled Castes and Scheduled Tribes and Other Backward Classes	6896-97
2072	Reorganisation of Ordnance Factories	6897-98
2073	Ferro-manganese	6898
2074	Coal supply	6898-99
2075	Central Public Health Engineering Research Institute, Nagpur	6899-6900
2076	Literacy in States	6900
2077	Punjab State Youth Welfare Board	6900
2078	Evening Colleges in Delhi	6900-01
2079	Rural Institutes	6901
2080	I.C.S. Officers	6901-02
2081	Foreigners in Government Employment	6902

WRITTEN ANSWERS TO
QUESTIONS—contd

U.S. Q No	Subject	COLUMNS
2082	Manufacture of Arms and Ammunition for Civilian use	6902-03
2083	Steel Plant in Andhra Pradesh	6903
2084	Educational Grants to Orissa for 1959-60	6903-04
2085	Books on crimes	6904
2086	Allowances to Ministers	6904-05
2087	Multi-storeyed buildings at Bombay	6905
2088	Research Branch under the Survey of India	6905-06
2089	Survey of India	6906
2090	Survey of India Air Survey and Training Estate Dehra Dun	6907
2091	Indebtedness among Class III and IV Survey of India Employees	6907
2092	Class III and IV Survey of India Employees	6908
2093	Grant of Increments to Survey of India Employees	6909
2094	Strength of Officers in the Central Secretariat	6909-10
2095	Thefts in Steel Plants	6910
2096	Appellate Assistant Commissioners	6911
2097	Department of Archaeology Orissa	6911
2098	Courtesy Police in Delhi	6912
2099	Inter-State Taxation Council	6912
2100	American educationists	6912-13
2101	Crimes in Delhi	6913
2102	Accident in Rourkela Steel Plant	6913-14
2103	Conference of old Revolutionaries	6914
2104	Price of Telco Trucks	6914
2105	Basic Training College Tripura	6914-15
2106	Teachers in Himachal Pradesh	6915
2107	School Teachers in Himachal Pradesh	6915-16
2108	Army Personnel	6916-17
2109	Stores for Bhilai Steel Plant	6917
2110	Central Fuel Research Institute	6917-18
2111	Naga Rebels	6918

WRITTEN ANSWERS TO
QUESTIONS—contd

U. S. Q No	Subject	COLUMNS
2112	Government of India Scholarships	6918-19
2113	Raygad Fort	6919
2114	Central Excise Collectorate Mysore	6919-20
2115	Small Savings Scheme	6920-21
2116	Adivasis in Orissa	6921
2117	Foreign Exchange spent on Delegations sent abroad	6921
2118	Prosecutions under the Untouchability (Offences) Act	6922
2119	Cheating cases in Cut-piece trade in Delhi	6922
2120	Settlers in Andaman and Nicobar Islands	6923
2121	Expenditure by Ministry of Home Affairs	6923
2122	Canteen Karamchari Union	6923-24
2123	Tribal welfare	6924
2124	Banking Companies Act, 1949	6924-25
2125	Basic College at Kakraban in Tripura	6925
2126	Life Insurance Corporation	6926
2127	English-Medium Schools	6926-27
2128	Central Excise Collectorate, Mysore	6927-28
2129	Violation of Foreign Exchange Regulations	6928
2130	Payments from Iron and Steel Equalisation Fund	6929-30
2131	Scientific and Technical Terminology	6929
2132	Oil Experts to Madras	6929-30
2133	Report of the Building Project Team	6930-31
2134	Colonies for Scheduled Casts and Scheduled Tribes in Punjab	6931
2135	Staff of Ministry of Home Affairs sent on Deputation	6931

PAPERS LIAID ON THE
TABLE

The following papers were laid on the Table

- (1) A copy of the Annual Report of Hindustan Steel Private Limited for the year 1957-58 along with the Audited Accounts under sub-section(1) of Section 639 of the Companies Act, 1956

COLUMNS

COLUMNS

PAPERS LAID ON THE
TABLE—contd.

- (3) A copy of the Bombay Village Industries Board (Reconstitution) Order, 1959, published in Notification No. G.S.R. 300 dated the 13th March, 1959, under sub-section (5) of Section 4 of the Inter-State Corporation Act, 1957.

MESSAGE FROM RAJYA
SABHA

6932-33

Secretary reported a message from Rajya Sabha that Rajya Sabha had agreed to the further amendments made by Lok Sabha on the 24th February, 1959 in the Parliament (Prevention of Disqualification) Bill, 1958.

REPORT OF COMMITTEE
ON PRIVATE MEMBER'S
BILLS AND RESOLU-
TIONS PRESENTED

6933

Thirty-eighth Report was presented.

REPORT OF PUBLIC AC-
COUNTS COMMITTEE PRE-
SENTED

6933

Thirteenth Report was presented.

REPORT OF ESTIMATES
COMMITTEE PRESENTED

6933

Forty-second Report was presented.

DEMANDS FOR GRANTS . 6934-7077

Discussion on Demands for Grants in respect of the Ministry of Law commenced and concluded. The Demands were voted in full.

HALF-AN-HOUR DISCUS-
SION

7078-96

Shri Supakar raised a half-an-hour discussion on points arising out of the answer given to Starred Question No. 731 on the 27th February, 1959 regarding prices of paddy in Madhya Pradesh.

The Deputy Minister of Food and Agriculture (Shri A. M. Thomas) replied to the debate.

AGENDA FOR THURSDAY,
MARCH 19, 1959/PHALGU-
NA 28, 1880 (Saka)—

Discussion on Demands for Grants in respect of the Ministry of Home Affairs